



General Assembly

February Session, 2006

Bill No. 48

LCO No. 789

*00789 _____ *

Referred to Committee on Energy and Technology

Introduced by:

SEN. DELUCA, 32nd Dist.

REP. WARD, 86th Dist.

AN ACT CREATING A STATE DEPARTMENT OF ENERGY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) There is established a
2 Department of Energy which shall be under the direction and
3 supervision of the Commissioner of Energy who shall be appointed by
4 the Governor, in accordance with the provisions of sections 4-5 to 4-8,
5 inclusive, of the general statutes, as amended by this act, with the
6 powers and duties prescribed in said sections 4-5 to 4-8, inclusive.

7 (b) The Department of Energy shall constitute a successor
8 department with respect to the duties of the Office of Policy and
9 Management as set forth in chapters 295, 296, 298 and 298a of the
10 general statutes regarding energy policy planning in accordance with
11 sections 4-38d and 4-39 of the general statutes.

12 (c) The functions, powers, duties and personnel of the Division of
13 Energy in the Office of Policy and Management, shall be transferred to
14 the Department of Energy pursuant to the provisions of sections 4-38d,

15 4-38e and 4-39 of the general statutes.

16 (d) Any order or regulation of the Office of Policy and Management
17 that is in force on July 1, 2006, pursuant to the powers and duties set
18 forth in chapters 295, 296, 298 and 298a of the general statutes
19 regarding energy policy and planning shall continue in force and effect
20 as an order or regulation until amended, repealed or superseded
21 pursuant to law.

22 Sec. 2. (NEW) (*Effective July 1, 2006*): (a) The Commissioner of
23 Energy shall: (1) Be designated as the state official to implement and
24 execute any federal program, law, order, rule or regulation related to
25 the allocation, rationing, conservation, distribution or consumption of
26 energy resources; (2) coordinate all state and local government
27 programs for the allocation, rationing, conservation, distribution and
28 consumption of energy resources; (3) cooperate with the appropriate
29 authorities of the United States government, or other state or interstate
30 agencies with respect to allocation, rationing, conservation,
31 distribution and consumption of energy resources; (4) carry out a
32 program of studies, hearings, inquiries, surveys and analyses
33 necessary for state-wide energy policy and planning, provided if an
34 individual or business furnishing commercial or financial information
35 concerning said individual or business requests, in writing, at the time
36 such information is furnished that it be treated as confidential
37 proprietary information, such information, to the extent that it is
38 limited to (A) volume of sales, shipments, receipts and exchanges of
39 energy resources, (B) inventories of energy resources, and (C) local
40 distribution patterns of energy resources, shall be exempt from the
41 provisions of subsection (a) of section 1-210 of the 2006 supplement to
42 the general statutes; (5) shall encourage programs to foster cooperative
43 efforts by and among Connecticut business, industry, utilities, the
44 academic community and government to develop new sources of
45 energy; and (6) undertake such other duties and responsibilities as
46 may be assigned by other state statutes or by the Governor.

47 (b) The commissioner may: (1) Investigate any complaint
48 concerning the violation of any federal or state statute, rule, regulation
49 or order pertaining to pricing, allocation, rationing, conservation,
50 distribution or consumption of energy resources and shall transmit
51 any evidence gathered by such investigation to the proper federal or
52 state authorities; (2) conduct programs of public education regarding
53 energy conservation; (3) enter into contracts with any person to do all
54 things necessary or convenient to carry out the functions, powers and
55 duties of the Department of Energy; (4) employ, subject to the
56 provisions of chapter 67 of the general statutes, such staff as is required
57 for the proper discharge of duties of the office; (5) adopt regulations in
58 accordance with chapter 54 of the general statutes, to carry out the
59 duties of the Commissioner of Energy and the Department of Energy;
60 and (6) provide technical assistance to municipalities that want to
61 aggregate electric generation services.

62 (c) The Department of Public Utility Control may, at the request of
63 the Commissioner of Energy or on its own motion, designate such
64 commissioner a party in any proceeding before such authority.

65 (d) Except as prohibited by the provisions of section 4-181 of the
66 general statutes, the Commissioner of Energy shall (1) have access to
67 the records of the Public Utilities Control Authority and the
68 Department of Public Utility Control, (2) be entitled to call upon the
69 assistance of the authority's and the department's experts, and (3) have
70 the benefit of all other facilities or information of the authority or
71 department in carrying out the duties of the Commissioner of Energy
72 and the Department of Energy, except for such internal documents,
73 information or data that are not available to parties to the authority's
74 proceedings.

75 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) The Commissioner of Energy
76 shall: (1) Hold regular public meetings for the purpose of discussing
77 issues relating to the safety and operation of the nuclear power
78 generating facilities located in this state and advise the Governor, the

79 General Assembly and municipalities within a five-mile radius of any
80 nuclear power generating facility in this state of such issues; (2) work
81 in conjunction with agencies of the federal, state and local
82 governments and with any electric company operating a nuclear
83 power generating facility to ensure the public health and safety; (3)
84 discuss proposed changes in or problems arising from the operation of
85 a nuclear power generating facility; (4) communicate with any electric
86 company operating a nuclear power generating facility about safety or
87 operational concerns at the facility, which communications may
88 include, but not be limited to, receipt of written reports and
89 presentations to the department; and (5) review the current status of
90 facilities with the Nuclear Regulatory Commission.

91 (b) The commissioner may establish a nuclear energy advisory
92 group to assist and advise the department on performance of the
93 commissioner's duties under this section.

94 Sec. 4. (NEW) (*Effective July 1, 2006*) (a) The Department of Energy
95 shall: (1) Represent the state in regional energy system planning
96 processes conducted by the regional independent system operator, as
97 defined in section 16-1 of the 2006 supplement to the general statutes;
98 (2) encourage representatives from the municipalities that are affected
99 by a proposed project of regional significance to participate in regional
100 energy system planning processes conducted by the regional
101 independent system operator; (3) participate in a forecast proceeding
102 conducted pursuant to subsection (a) of section 16-50r of the general
103 statutes; and (4) participate in a life-cycle proceeding conducted
104 pursuant to subsection (b) of section 16-50r of the general statutes.

105 (b) The Commissioner of Energy may establish an advisory group to
106 assist and advise the department on performance of the
107 commissioner's duties under this section.

108 Sec. 5. (NEW) (*Effective July 1, 2006*) (a) The Department of Energy is
109 authorized to participate in proceedings before agencies of the federal
110 government and the federal courts on matters affecting electric

111 distribution companies, as defined in section 16-1 of the 2006
112 supplement to the general statutes, electric suppliers, as defined in said
113 section 16-1, gas companies, as defined in said section 16-1, gas
114 registrants, as defined in said section 16-1, or exempt wholesale
115 generators, as defined in said section 16-1.

116 (b) For any proceeding before the Federal Energy Regulatory
117 Commission, the United States Department of Energy or the United
118 States Nuclear Regulatory Commission, or appeal thereof, the
119 Attorney General, upon request of the Commissioner of Energy, may
120 retain outside legal counsel in accordance with section 3-125 of the
121 general statutes to participate in such proceedings on behalf of the
122 department. All reasonable and proper expenses of such outside legal
123 counsel shall be borne by the electric distribution companies, electric
124 suppliers, gas companies, gas registrants, or exempt wholesale
125 generators that are affected by the decisions of such proceedings and
126 shall be paid at such times and in such manner as the Department of
127 Energy directs, provided such expenses shall be apportioned in
128 proportion to the revenues of each affected entity as reported to the
129 Department of Public Utility Control for purposes of section 16-49 of
130 the general statutes for the most recent period, and provided further
131 such expenses shall not exceed two hundred fifty thousand dollars per
132 proceeding, including any appeals thereof, in any calendar year unless
133 the department finds good cause for exceeding the limit and the
134 affected entities have an opportunity, after reasonable notice, to
135 comment on the proposed overage. All such legal expenses shall be
136 recognized by the Department of Public Utility Control as proper
137 business expenses of the affected entities for rate-making purposes, as
138 provided in section 16-19e of the general statutes, as amended by this
139 act, if applicable.

140 Sec. 6. Section 4-5 of the general statutes is repealed and the
141 following is substituted in lieu thereof (*Effective July 1, 2006*):

142 As used in sections 4-6, 4-7, as amended, and 4-8, the term

143 "department head" means Secretary of the Office of Policy and
 144 Management, Commissioner of Administrative Services,
 145 Commissioner of Revenue Services, Banking Commissioner,
 146 Commissioner of Children and Families, Commissioner of Consumer
 147 Protection, Commissioner of Correction, Commissioner of Economic
 148 and Community Development, State Board of Education,
 149 Commissioner of Emergency Management and Homeland Security,
 150 Commissioner of Energy, Commissioner of Environmental Protection,
 151 Commissioner of Agriculture, Commissioner of Public Health,
 152 Insurance Commissioner, Labor Commissioner, Liquor Control
 153 Commission, Commissioner of Mental Health and Addiction Services,
 154 Commissioner of Public Safety, Commissioner of Social Services,
 155 Commissioner of Mental Retardation, Commissioner of Motor
 156 Vehicles, Commissioner of Transportation, Commissioner of Public
 157 Works, Commissioner of Veterans' Affairs, Commissioner of Health
 158 Care Access, Chief Information Officer, the chairperson of the Public
 159 Utilities Control Authority, the executive director of the Board of
 160 Education and Services for the Blind and the executive director of the
 161 Connecticut Commission on Culture and Tourism.

162 Sec. 7. Section 4-38c of the general statutes is repealed and the
 163 following is substituted in lieu thereof (*Effective July 1, 2006*):

164 There shall be within the executive branch of state government the
 165 following departments: Office of Policy and Management, Department
 166 of Administrative Services, Department of Revenue Services,
 167 Department of Banking, Department of Agriculture, Department of
 168 Children and Families, Department of Consumer Protection,
 169 Department of Correction, Department of Economic and Community
 170 Development, State Board of Education, Department of Emergency
 171 Management and Homeland Security, Department of Energy,
 172 Department of Environmental Protection, Department of Public
 173 Health, Board of Governors of Higher Education, Insurance
 174 Department, Labor Department, Department of Mental Health and
 175 Addiction Services, Department of Mental Retardation, Department of

176 Public Safety, Department of Social Services, Department of
177 Transportation, Department of Motor Vehicles, Department of
178 Veterans' Affairs, Department of Public Works and Department of
179 Public Utility Control.

180 Sec. 8. Subsection (a) of section 4-65a of the general statutes is
181 repealed and the following is substituted in lieu thereof (*Effective July*
182 *1, 2006*):

183 (a) There shall be an Office of Policy and Management which shall
184 be responsible for all aspects of state staff planning and analysis in the
185 areas of budgeting, management, planning, [energy] policy
186 determination and evaluation, intergovernmental policy, criminal and
187 juvenile justice planning and program evaluation. The department
188 head shall be the Secretary of the Office of Policy and Management,
189 who shall be appointed by the Governor in accordance with the
190 provisions of sections 4-5, as amended by this act, 4-6, 4-7, as amended,
191 and 4-8, with all the powers and duties therein prescribed. The
192 Secretary of the Office of Policy and Management shall be the
193 employer representative (1) in collective bargaining negotiations
194 concerning changes to the state employees retirement system and
195 health and welfare benefits, and (2) in all other matters involving
196 collective bargaining, including negotiation and administration of all
197 collective bargaining agreements and supplemental understandings
198 between the state and the state employee unions concerning all
199 executive branch employees except (A) employees of the Division of
200 Criminal Justice, and (B) faculty and professional employees of boards
201 of trustees of constituent units of the state system of higher education.
202 The secretary may designate a member of the secretary's staff to act as
203 the employer representative in the secretary's place.

204 Sec. 9. Subdivision (2) of subsection (e) of section 4a-57 of the
205 general statutes is repealed and the following is substituted in lieu
206 thereof (*Effective July 1, 2006*):

207 (2) Any purchase of or contract by the department for electric

208 generation services that are subject to competitive bidding and
209 competitive negotiations shall be conducted in cooperation with the
210 [Office of Policy and Management] Commissioner of Energy pursuant
211 to section 16a-14e, as amended by this act.

212 Sec. 10. Section 8-37jj of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective July 1, 2006*):

214 (a) The Department of Economic and Community Development
215 may not approve electric resistance as the primary heat source in new,
216 subsidized housing except where justified by a life-cycle cost analysis
217 whose methodology has been approved by the [division of the Office
218 of Policy and Management responsible for energy matters]
219 Department of Energy.

220 (b) If the Department of Economic and Community Development or
221 the Connecticut Housing Finance Authority uses electric resistance
222 space heating as the primary heating source in any new construction, it
223 shall construct the unit in such a way as to be eligible for any available
224 energy conservation incentives provided by the electric company, as
225 defined in section 16-1, as amended, or the municipal utility furnishing
226 electric service to such unit.

227 Sec. 11. Subsection (f) of section 13a-110a of the general statutes is
228 repealed and the following is substituted in lieu thereof (*Effective July*
229 *1, 2006*):

230 (f) The provisions of this section shall not apply to the installation or
231 replacement of luminaires for which the [Secretary of the Office of
232 Policy and Management] Commissioner of Energy (1) conducts a life-
233 cycle cost analysis of one or more luminaires which meet the
234 requirements set forth in subsection (b) of this section and one or more
235 luminaires which do not meet such requirements, and (2) certifies that
236 a luminaire which meets such requirements is not cost effective and is
237 not the most appropriate alternative based on the life-cycle cost
238 analysis.

239 Sec. 12. Subsection (a) of section 16-2 of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective July*
241 *1, 2006*):

242 (a) (1) There shall continue to be a Public Utilities Control
243 Authority, which shall consist of five electors of this state, appointed
244 by the Governor with the advice and consent of both houses of the
245 General Assembly. Not more than three members of said authority in
246 office at any one time shall be members of any one political party. On
247 or before July 1, 1983, and quadrennially thereafter, the Governor shall
248 appoint three members to the authority and on or before July 1, 1985,
249 and quadrennially thereafter, the Governor shall appoint two
250 members. All such members shall serve for a term of four years. The
251 procedure prescribed by section 4-7, as amended, shall apply to such
252 appointments, except that the Governor shall submit each nomination
253 on or before May first, and both houses shall confirm or reject it before
254 adjournment sine die. The commissioners shall be sworn to the faithful
255 performance of their duties.

256 (2) The Governor shall also appoint two nonvoting members,
257 qualified by education or experience, to serve for terms coterminous
258 with the Governor. One member shall represent residential consumers
259 and one shall represent commercial consumers. Such members shall be
260 entitled to participate, but not vote, in all hearings and public meetings
261 of the authority or a panel thereof concerning any rate case under this
262 title. Any vacancy shall be filled by the Governor for the balance of the
263 term vacated. The provisions of chapter 10 and subsections (g) to (k),
264 inclusive, of this section shall apply to such members.

265 Sec. 13. Subsection (j) of section 16-2 of the general statutes is
266 repealed and the following is substituted in lieu thereof (*Effective July*
267 *1, 2006*):

268 (j) No member of the authority or employee of the department shall
269 agree to accept, or be in partnership or association with any person, or
270 a member of a professional corporation or in membership with any

271 union or professional association which partnership, association,
272 professional corporation, union or professional association agrees to
273 accept any employment, fee or other thing of value, or portion thereof,
274 in consideration of his appearing, agreeing to appear, or taking any
275 other action on behalf of another person before the authority, the
276 Connecticut Siting Council, the Office of Policy and Management, the
277 Commissioner of Energy or the Commissioner of Environmental
278 Protection.

279 Sec. 14. Section 16-6a of the 2006 supplement to the general statutes
280 is repealed and the following is substituted in lieu thereof (*Effective July*
281 *1, 2006*):

282 (a) The Department of Public Utility Control and the Office of
283 Consumer Counsel are authorized to participate in proceedings before
284 agencies of the federal government and the federal courts on matters
285 affecting [utility] services relating to telephone, telegraph, pipeline,
286 sewage, water and community antenna television companies and
287 certified telecommunications providers rendered or to be rendered in
288 this state.

289 (b) For any proceeding before the Federal Energy Regulatory
290 Commission, the United States Department of Energy or the United
291 States Nuclear Regulatory Commission, or appeal thereof, the
292 Attorney General, upon request of the department, may retain outside
293 legal counsel in accordance with section 3-125 to participate in such
294 proceedings on behalf of the department. All reasonable and proper
295 expenses of such outside legal counsel shall be borne by the [public
296 service companies,] telephone, telegraph, pipeline, sewage, water and
297 community antenna television companies and certified
298 telecommunications providers [, electric suppliers or gas registrants]
299 that are affected by the decisions of such proceedings and shall be paid
300 at such times and in such manner as the department directs, provided
301 such expenses shall be apportioned in proportion to the revenues of
302 each affected entity as reported to the department for purposes of

303 section 16-49 for the most recent period, and provided further such
304 expenses shall not exceed two hundred fifty thousand dollars per
305 proceeding, including any appeals thereof, in any calendar year unless
306 the department finds good cause for exceeding the limit and the
307 affected entities have an opportunity, after reasonable notice, to
308 comment on the proposed overage. All such legal expenses shall be
309 recognized by the department as proper business expenses of the
310 affected entities for rate-making purposes, as provided in section 16-
311 19e, as amended by this act, if applicable.

312 (c) For any proceeding before the Federal Energy Regulatory
313 Commission, the United States Department of Energy, the United
314 States Nuclear Regulatory Commission, the Securities and Exchange
315 Commission, the Federal Trade Commission, the United States
316 Department of Justice or the Federal Communications Commission, or
317 appeal thereof, the Attorney General, upon request of the Office of
318 Consumer Counsel, may retain outside legal counsel in accordance
319 with section 3-125 to participate in such proceedings on behalf of the
320 office, provided the work performed on behalf of the office shall not
321 include lobbying activities, as defined in 2 USC 1602. All reasonable
322 and proper expenses of such outside legal counsel shall be borne by
323 the public service companies, certified telecommunications providers,
324 electric suppliers or gas registrants that are affected by the decisions of
325 such proceedings and shall be paid at such times and in such manner
326 as the office directs, provided such expenses shall be apportioned in
327 proportion to the revenues of each affected entity as reported to the
328 department for purposes of section 16-49 for the most recent period,
329 and provided further such expenses shall not exceed two hundred fifty
330 thousand dollars, including any appeals thereof, in any calendar year.
331 The Department of Public Utility Control shall recognize all such legal
332 expenses as proper business expenses of the affected entities for rate-
333 making purposes, as provided in section 16-19e, as amended by this
334 act, if applicable.

335 Sec. 15. Section 16-6b of the general statutes is repealed and the

336 following is substituted in lieu thereof (*Effective July 1, 2006*):

337 The Department of Public Utility Control may, in accordance with
338 chapter 54, adopt such regulations with respect to rates and charges,
339 services, accounting practices, safety and the conduct of operations
340 generally of public service companies subject to its jurisdiction as it
341 deems reasonable and necessary. The department may, in accordance
342 with chapter 54, adopt such regulations with respect to services,
343 accounting practices, safety and the conduct of operations generally of
344 electric suppliers subject to its jurisdiction as it deems reasonable and
345 necessary. After consultation with the [Secretary of the Office of Policy
346 and Management] Commissioner of Energy, the department may also
347 adopt regulations establishing standards for systems utilizing
348 cogeneration technology and renewable fuel resources.

349 Sec. 16. Subsection (a) of section 16-19 of the general statutes is
350 repealed and the following is substituted in lieu thereof (*Effective July*
351 *1, 2006*):

352 (a) No public service company may charge rates in excess of those
353 previously approved by the authority or the Department of Public
354 Utility Control except that any rate approved by the Public Utilities
355 Commission or the authority shall be permitted until amended by the
356 authority or the department, that rates not approved by the authority
357 or the department may be charged pursuant to subsection (b) of this
358 section, and that the hearing requirements with respect to adjustment
359 clauses are as set forth in section 16-19b, as amended. Each public
360 service company shall file any proposed amendment of its existing
361 rates with the department in such form and in accordance with such
362 reasonable regulations as the department may prescribe. Each electric,
363 electric distribution, gas or telephone company filing a proposed
364 amendment shall also file with the department an estimate of the
365 effects of the amendment, for various levels of consumption, on the
366 household budgets of high and moderate income customers and
367 customers having household incomes not more than one hundred fifty

368 per cent of the federal poverty level. Each electric and electric
369 distribution company shall also file such an estimate for space heating
370 customers. Each water company, except a water company that
371 provides water to its customers less than six consecutive months in a
372 calendar year, filing a proposed amendment, shall also file with the
373 department a plan for promoting water conservation by customers in
374 such form and in accordance with a memorandum of understanding
375 entered into by the department pursuant to section 4-67e. Each public
376 service company shall notify each customer who would be affected by
377 the proposed amendment, by mail, at least one week prior to the
378 public hearing thereon, that an amendment has been or will be
379 requested. Such notice shall also indicate (1) the Department of Public
380 Utility Control telephone number for obtaining information
381 concerning the schedule for public hearings on the proposed
382 amendment, and (2) whether the proposed amendment would, in the
383 company's best estimate, increase any rate or charge by twenty per
384 cent or more, and, if so, describe in general terms any such rate or
385 charge and the amount of the proposed increase, provided no such
386 company shall be required to provide more than one form of the notice
387 to each class of its customers. In the case of a proposed amendment to
388 the rates of any public service company, the department shall hold a
389 public hearing thereon, except as permitted with respect to interim rate
390 amendments by subsection (d) and subsection (g) of this section, and
391 shall make such investigation of such proposed amendment of rates as
392 is necessary to determine whether such rates conform to the principles
393 and guidelines set forth in section 16-19e, as amended by this act,
394 would create an undue hardship for residential or commercial
395 customers or are unreasonably discriminatory or more or less than
396 just, reasonable and adequate, or that the service furnished by such
397 company is inadequate to or in excess of public necessity and
398 convenience. The department, if in its opinion such action appears
399 necessary or suitable in the public interest may, and, upon written
400 petition or complaint of the state, under direction of the Governor,
401 shall, make the aforesaid investigation of any such proposed

402 amendment which does not involve an alteration in rates. If the
403 department finds any proposed amendment of rates to not conform to
404 the principles and guidelines set forth in section 16-19e, as amended by
405 this act, or to be unreasonably discriminatory or more or less than just,
406 reasonable and adequate to enable such company to provide properly
407 for the public convenience, necessity and welfare, or the service to be
408 inadequate or excessive, it shall determine and prescribe, as
409 appropriate, an adequate service to be furnished or just and reasonable
410 maximum rates and charges to be made by such company. In the case
411 of a proposed amendment filed by an electric, electric distribution, gas
412 or telephone company, the department shall also adjust the estimate
413 filed under this subsection of the effects of the amendment on the
414 household budgets of the company's customers, in accordance with the
415 rates and charges approved by the department. The department shall
416 issue a final decision on each rate filing within one hundred fifty days
417 from the proposed effective date thereof, provided it may, before the
418 end of such period and upon notifying all parties and intervenors to
419 the proceedings, extend the period by thirty days.

420 Sec. 17. Subsection (a) of section 16-19a of the general statutes is
421 repealed and the following is substituted in lieu thereof (*Effective July*
422 *1, 2006*):

423 (a) (1) The Department of Public Utility Control shall, at intervals of
424 not more than four years from the last previous general rate hearing of
425 each gas, electric and electric distribution company having more than
426 seventy-five thousand customers, conduct a complete review and
427 investigation of the financial and operating records of each such
428 company and hold a public hearing to determine whether the rates of
429 each such company would create an undue hardship for residential or
430 commercial customers, are unreasonably discriminatory or more or
431 less than just, reasonable and adequate, or that the service furnished by
432 such company is inadequate to or in excess of public necessity and
433 convenience or that the rates do not conform to the principles and
434 guidelines set forth in section 16-19e, as amended by this act. In

435 making such determination, the department shall consider the gross
436 and net earnings of such company since its last previous general rate
437 hearing, its retained earnings, its actual and proposed capital
438 expenditures, its advertising expenses, the dividends paid to its
439 stockholders, the rate of return paid on its preferred stock, bonds,
440 debentures and other obligations, its credit rating, and such other
441 financial and operating information as the department may deem
442 pertinent.

443 (2) The department may conduct a general rate hearing in
444 accordance with subsection (a) of section 16-19, as amended by this act,
445 in lieu of the periodic review and investigation proceedings required
446 under subdivision (1) of this subsection.

447 Sec. 18. Subsections (c) and (d) of section 16-19e of the general
448 statutes are repealed and the following is substituted in lieu thereof
449 (*Effective July 1, 2006*):

450 (c) The Department of Public Utility Control shall consult at least
451 once each year with the Commissioner of Environmental Protection,
452 the Connecticut Siting Council and the [Office of Policy and
453 Management] Commissioner of Energy, so as to coordinate and
454 integrate its actions, decisions and policies pertaining to gas and
455 electric companies, so far as possible, with the actions, decisions and
456 policies of said other agencies and instrumentalities in order to further
457 the development and optimum use of the state's energy resources and
458 conform to the greatest practicable extent with the state energy policy
459 as stated in section 16a-35k, taking into account prudent management
460 of the natural environment and continued promotion of economic
461 development within the state. In the performance of its duties, the
462 department shall take into consideration the energy policies of the
463 state as expressed in this subsection and in any annual reports
464 prepared or filed by such other agencies and instrumentalities, and
465 shall defer, as appropriate, to any actions taken by such other agencies
466 and instrumentalities on matters within their respective jurisdictions.

467 (d) The Commissioner of Environmental Protection, the
 468 Commissioner of Economic and Community Development, the
 469 Connecticut Siting Council and the [Office of Policy and Management]
 470 Commissioner of Energy shall be made parties to each proceeding on a
 471 rate amendment proposed by a gas, electric or electric distribution
 472 company based upon an alleged need for increased revenues to
 473 finance an expansion of capital equipment and facilities, and shall
 474 participate in such proceedings to the extent necessary.

475 Sec. 19. Subdivision (2) of subsection (c) of section 16-32f of the 2006
 476 supplement to the general statutes is repealed and the following is
 477 substituted in lieu thereof (*Effective July 1, 2006*):

478 (2) Programs included in the plan shall be screened through cost-
 479 effectiveness testing that compares the value and payback period of
 480 program benefits to program costs to ensure that the programs are
 481 designed to obtain gas savings whose value is greater than the costs of
 482 the program. Program cost-effectiveness shall be reviewed annually by
 483 the department, or otherwise as is practicable. If the department
 484 determines that a program fails the cost-effectiveness test as part of the
 485 review process, the program shall either be modified to meet the test
 486 or shall be terminated. On or before January 1, 2007, and annually
 487 thereafter, the board shall provide a report, in accordance with the
 488 provisions of section 11-4a, to the joint standing committees of the
 489 General Assembly having cognizance of matters relating to energy and
 490 the environment and to the Commissioner of Energy, that documents
 491 expenditures and funding for such programs and evaluates the cost-
 492 effectiveness of such programs conducted in the preceding year,
 493 including any increased cost-effectiveness owing to offering programs
 494 that save more than one fuel resource.

495 Sec. 20. Subdivision (3) of subsection (a) of section 16-50l of the
 496 general statutes is repealed and the following is substituted in lieu
 497 thereof (*Effective July 1, 2006*):

498 (3) Notwithstanding the provisions of this subsection, an entity that

499 has submitted a proposal pursuant to the request-for-proposal process
 500 may initiate a certification proceeding by filing with the council an
 501 application containing the information required pursuant to this
 502 section, accompanied by a filing fee of not more than twenty-five
 503 thousand dollars, which fee shall be established in accordance with
 504 section 16-50t, and a municipal participation fee of twenty-five
 505 thousand dollars to be deposited in the account established pursuant
 506 to section 16-50bb, not later than thirty days after the [Connecticut
 507 Energy Advisory Board] Commissioner of Energy performs the
 508 evaluation process pursuant to subsection (f) of section 16a-7c, as
 509 amended by this act.

510 Sec. 21. Section 16-243k of the 2006 supplement to the general
 511 statutes is repealed and the following is substituted in lieu thereof
 512 (*Effective July 1, 2006*):

513 Not later than January 1, 2007, and annually thereafter, the
 514 Department of Public Utility Control shall assess the number and types
 515 of customer-side and grid-side distributed resources, as defined in
 516 section 16-1, as amended, projects financed pursuant to the provisions
 517 of public act 05-1 of the June special session* and such projects'
 518 contributions to achieving fuel diversity, transmission support, and
 519 energy independence in the state. Not later than January 1, 2007, and
 520 biennially thereafter, the department shall collect the information in
 521 such annual assessments and report, in accordance with the provisions
 522 of section 11-4a, on the effectiveness of the award program established
 523 in section 16-243i and on its findings to the joint standing committee of
 524 the General Assembly having cognizance of matters relating to energy
 525 and to the Commissioner of Energy.

526 Sec. 22. Subsection (m) of section 16-243m of the 2006 supplement to
 527 the general statutes is repealed and the following is substituted in lieu
 528 thereof (*Effective July 1, 2006*):

529 (m) An electric distribution company may not submit a proposal
 530 under this section on or after February 1, 2011. On or before January 1,

2010, the department shall submit a report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to energy and to the Department of Energy with a recommendation as to whether the period during which such company may submit proposals under this section should be extended.

Sec. 23. Subsection (b) of section 16-244d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(b) There shall be established a Consumer Education Advisory Council which shall advise the outreach program coordinator on the development and implementation of the outreach program until the termination of the standard offer under section 16-244c, as amended. Membership of the advisory council shall be established by the Consumer Counsel not later than December 1, 1998, and shall include, but not be limited to, representatives of the Department of Public Utility Control, the Office of Consumer Counsel, the Office of the Attorney General, the [Office of Policy and Management] Department of Energy, the Department of Environmental Protection, community and business organizations, consumer groups, including, but not limited to, a group that represents hardship customers, as defined in section 16-262c, as amended by this act, electric distribution companies and electric suppliers. The advisory council shall determine the information to be distributed to customers as part of the education effort such as customers' rights and obligations in a restructured environment, how customers can exercise their right to participate in retail access, the types of electric suppliers expected to be licensed including the possibility of load aggregation, electric generation services options that will be available, the environmental characteristics of different types of generation facilities and other information determined by the advisory council to be necessary for customers. The advisory council shall advise the outreach program coordinator on the methods of distributing information in accordance

564 with subsection (a) of this section and the timing of such distribution.
 565 The advisory council shall meet on a regular basis and report to the
 566 outreach program coordinator as it deems appropriate until
 567 termination of the advisory council's role upon the termination of the
 568 standard offer under section 16-244c, as amended.

569 Sec. 24. Subsection (a) of section 16-245l of the 2006 supplement to
 570 the general statutes is repealed and the following is substituted in lieu
 571 thereof (*Effective July 1, 2006*):

572 (a) The Department of Public Utility Control shall establish and each
 573 electric distribution company shall collect a systems benefits charge to
 574 be imposed against all end use customers of each electric distribution
 575 company beginning January 1, 2000. The department shall hold a
 576 hearing that shall be conducted as a contested case in accordance with
 577 chapter 54 to establish the amount of the systems benefits charge. The
 578 department may revise the systems benefits charge or any element of
 579 said charge as the need arises. The systems benefits charge shall be
 580 used to fund (1) the expenses of the public education outreach
 581 program developed under subsections (a), (f) and (g) of section 16-
 582 244d, as amended by this act, other than expenses for department staff,
 583 (2) the reasonable and proper expenses of the education outreach
 584 consultant pursuant to subsection (d) of section 16-244d, as amended
 585 by this act, (3) the cost of hardship protection measures under sections
 586 16-262c, as amended by this act, and 16-262d and other hardship
 587 protections, including, but not limited to, electric service bill payment
 588 programs, funding and technical support for energy assistance, fuel
 589 bank and weatherization programs and weatherization services, (4) the
 590 payment program to offset tax losses described in section 12-94d, (5)
 591 any sums paid to a resource recovery authority pursuant to subsection
 592 (b) of section 16-243e, (6) low income conservation programs approved
 593 by the Department of Public Utility Control, (7) displaced worker
 594 protection costs, (8) unfunded storage and disposal costs for spent
 595 nuclear fuel generated before January 1, 2000, approved by the
 596 appropriate regulatory agencies, (9) postretirement safe shutdown and

597 site protection costs that are incurred in preparation for
598 decommissioning, (10) decommissioning fund contributions, (11) the
599 costs of temporary electric generation facilities incurred pursuant to
600 section 16-19ss, as amended, [(12) operating expenses for the
601 Connecticut Energy Advisory Board, and (13)] and (12) legal, appraisal
602 and purchase costs of a conservation or land use restriction and other
603 related costs as the department in its discretion deems appropriate,
604 incurred by a municipality on or before January 1, 2000, to ensure the
605 environmental, recreational and scenic preservation of any reservoir
606 located within this state created by a pump storage hydroelectric
607 generating facility. As used in this subsection, "displaced worker
608 protection costs" means the reasonable costs incurred, prior to January
609 1, 2008, (A) by an electric supplier, exempt wholesale generator,
610 electric company, an operator of a nuclear power generating facility in
611 this state or a generation entity or affiliate arising from the dislocation
612 of any employee other than an officer, provided such dislocation is a
613 result of (i) restructuring of the electric generation market and such
614 dislocation occurs on or after July 1, 1998, or (ii) the closing of a Title IV
615 source or an exempt wholesale generator, as defined in 15 USC 79z-5a,
616 on or after January 1, 2004, as a result of such source's failure to meet
617 requirements imposed as a result of sections 22a-197 and 22a-198 and
618 this section or those Regulations of Connecticut State Agencies
619 adopted by the Department of Environmental Protection, as amended
620 from time to time, in accordance with Executive Order Number 19,
621 issued on May 17, 2000, and provided further such costs result from
622 either the execution of agreements reached through collective
623 bargaining for union employees or from the company's or entity's or
624 affiliate's programs and policies for nonunion employees, and (B) by
625 an electric distribution company or an exempt wholesale generator
626 arising from the retraining of a former employee of an unaffiliated
627 exempt wholesale generator, which employee was involuntarily
628 dislocated on or after January 1, 2004, from such wholesale generator,
629 except for cause. "Displaced worker protection costs" includes costs
630 incurred or projected for severance, retraining, early retirement,

631 outplacement, coverage for surviving spouse insurance benefits and
632 related expenses. "Displaced worker protection costs" does not include
633 those costs included in determining a tax credit pursuant to section 12-
634 217bb.

635 Sec. 25. Subsection (d) of section 16-245m of the 2006 supplement to
636 the general statutes is repealed and the following is substituted in lieu
637 thereof (*Effective July 1, 2006*):

638 (d) (1) The Energy Conservation Management Board shall advise
639 and assist the electric distribution companies in the development and
640 implementation of a comprehensive plan, which plan shall be
641 approved by the Department of Public Utility Control, to implement
642 cost-effective energy conservation programs and market
643 transformation initiatives. The plan shall be consistent with the
644 comprehensive energy plan approved by the [Connecticut Energy
645 Advisory Board] Commissioner of Energy pursuant to section 16a-7a,
646 as amended by this act, at the time of submission to the department.
647 Each program contained in the plan shall be reviewed by the electric
648 distribution company and either accepted or rejected by the Energy
649 Conservation Management Board prior to submission to the
650 department for approval. The Energy Conservation Management
651 Board shall, as part of its review, examine opportunities to offer joint
652 programs providing similar efficiency measures that save more than
653 one fuel resource or otherwise to coordinate programs targeted at
654 saving more than one fuel resource. Any costs for joint programs shall
655 be allocated equitably among the conservation programs. The Energy
656 Conservation Management Board shall give preference to projects that
657 maximize the reduction of federally mandated congestion charges.

658 (2) There shall be a joint committee of the Energy Conservation
659 Management Board and the Renewable Energy Investments Advisory
660 Committee. The board and the advisory committee shall each appoint
661 members to such joint committee. The joint committee shall examine
662 opportunities to coordinate the programs and activities funded by the

663 Renewable Energy Investment Fund pursuant to section 16-245n, as
664 amended by this act, with the programs and activities contained in the
665 plan developed under this subsection to reduce the long-term cost,
666 environmental impacts and security risks of energy in the state. Such
667 joint committee shall hold its first meeting on or before August 1, 2005.

668 (3) Programs included in the plan developed under subdivision (1)
669 of subsection (d) of this section shall be screened through cost-
670 effectiveness testing which compares the value and payback period of
671 program benefits to program costs to ensure that programs are
672 designed to obtain energy savings and system benefits, including
673 mitigation of federally mandated congestion charges, whose value is
674 greater than the costs of the programs. Cost-effectiveness testing shall
675 utilize available information obtained from real-time monitoring
676 systems to ensure accurate validation and verification of energy use.
677 Program cost-effectiveness shall be reviewed annually, or otherwise as
678 is practicable. If a program is determined to fail the cost-effectiveness
679 test as part of the review process, it shall either be modified to meet the
680 test or shall be terminated. On or before March 1, 2005, and on or
681 before March first annually thereafter, the board shall provide a report,
682 in accordance with the provisions of section 11-4a, to the joint standing
683 committees of the General Assembly having cognizance of matters
684 relating to energy and the environment and to the Department of
685 Energy (A) that documents expenditures and fund balances and
686 evaluates the cost-effectiveness of such programs conducted in the
687 preceding year, and (B) that documents the extent to and manner in
688 which the programs of such board collaborated and cooperated with
689 programs, established under section 7-233y, of municipal electric
690 energy cooperatives. To maximize the reduction of federally mandated
691 congestion charges, programs in the plan may allow for
692 disproportionate allocations between the amount of contributions to
693 the Energy Conservation and Load Management Funds by a certain
694 rate class and the programs that benefit such a rate class. Before
695 conducting such evaluation, the board shall consult with the
696 Renewable Energy Investments Advisory Committee. The report shall

697 include a description of the activities undertaken during the reporting
698 period jointly or in collaboration with the Renewable Energy
699 Investment Fund established pursuant to subsection (c) of section 16-
700 245n, as amended by this act.

701 (4) Programs included in the plan developed under subdivision (1)
702 of subsection (d) of this section may include, but not be limited to: (A)
703 Conservation and load management programs, including programs
704 that benefit low-income individuals; (B) research, development and
705 commercialization of products or processes which are more energy-
706 efficient than those generally available; (C) development of markets for
707 such products and processes; (D) support for energy use assessment,
708 real-time monitoring systems, engineering studies and services related
709 to new construction or major building renovation; (E) the design,
710 manufacture, commercialization and purchase of energy-efficient
711 appliances and heating, air conditioning and lighting devices; (F)
712 program planning and evaluation; (G) indoor air quality programs
713 relating to energy conservation; (H) joint fuel conservation initiatives
714 programs targeted at reducing consumption of more than one fuel
715 resource; and (I) public education regarding conservation. Such
716 support may be by direct funding, manufacturers' rebates, sale price
717 and loan subsidies, leases and promotional and educational activities.
718 The plan shall also provide for expenditures by the Energy
719 Conservation Management Board for the retention of expert
720 consultants and reasonable administrative costs provided such
721 consultants shall not be employed by, or have any contractual
722 relationship with, an electric distribution company. Such costs shall
723 not exceed five per cent of the total revenue collected from the
724 assessment.

725 Sec. 26. Subsection (f) of section 16-245m of the 2006 supplement to
726 the general statutes is repealed and the following is substituted in lieu
727 thereof (*Effective July 1, 2006*):

728 (f) No later than December 31, 2006, and no later than December

729 thirty-first every five years thereafter, the Energy Conservation
730 Management Board shall, after consulting with the Renewable Energy
731 Investments Advisory Committee, conduct an evaluation of the
732 performance of the programs and activities of the fund and submit a
733 report, in accordance with the provisions of section 11-4a, of the
734 evaluation to the joint standing committee of the General Assembly
735 having cognizance of matters relating to energy and to the Department
736 of Energy.

737 Sec. 27. Subsection (d) of section 16-245n of the 2006 supplement to
738 the general statutes is repealed and the following is substituted in lieu
739 thereof (*Effective July 1, 2006*):

740 (d) The chairperson of the board of directors of Connecticut
741 Innovations, Incorporated, shall convene a Renewable Energy
742 Investments Advisory Committee to assist Connecticut Innovations,
743 Incorporated, in matters related to the Renewable Energy Investment
744 Fund, including, but not limited to, development of a comprehensive
745 plan and expenditure of funds. The advisory committee shall, in such
746 plan, give preference to projects that maximize the reduction of
747 federally mandated congestion charges. The plan shall be consistent
748 with the comprehensive energy plan approved by the [Connecticut
749 Energy Advisory Board] Commissioner of Energy pursuant to section
750 16a-7a, as amended by this act. The advisory committee shall include
751 not more than twelve individuals with knowledge and experience in
752 matters related to the purpose and activities of said fund. The advisory
753 committee shall consist of the following members: (1) One person with
754 expertise regarding renewable energy resources appointed by the
755 speaker of the House of Representatives; (2) one person representing a
756 state or regional organization primarily concerned with environmental
757 protection appointed by the president pro tempore of the Senate; (3)
758 one person with experience in business or commercial investments
759 appointed by the majority leader of the House of Representatives; (4)
760 one person representing a state or regional organization primarily
761 concerned with environmental protection appointed by the majority

762 leader of the Senate; (5) one person with experience in business or
 763 commercial investments appointed by the minority leader of the
 764 House of Representatives; (6) one person with experience in business
 765 or commercial investments appointed by the minority leader of the
 766 Senate; (7) two state officials with experience in matters relating to
 767 energy policy and one person with expertise regarding renewable
 768 energy resources appointed by the Governor; and (8) three persons
 769 with experience in business or commercial investments appointed by
 770 the board of directors of Connecticut Innovations, Incorporated. The
 771 advisory committee shall issue annually a report to such chairperson
 772 reviewing the activities of the fund in detail and shall provide a copy
 773 of such report, in accordance with the provisions of section 11-4a, to
 774 the joint standing committee of the General Assembly having
 775 cognizance of matters relating to energy, the Department of Public
 776 Utility Control and the Office of Consumer Counsel. The report shall
 777 include a description of the programs and activities undertaken during
 778 the reporting period jointly or in collaboration with the Energy
 779 Conservation and Load Management Funds established pursuant to
 780 section 16-245m, as amended by this act.

781 Sec. 28. Subsection (a) of section 16-261a of the general statutes is
 782 repealed and the following is substituted in lieu thereof (*Effective July*
 783 *1, 2006*):

784 (a) There is established an interagency task force to study electric
 785 and magnetic fields. The task force shall determine the appropriate
 786 role of the state in addressing the potential problems associated with
 787 electric and magnetic fields and may make recommendations to the
 788 General Assembly regarding any legislation which it deems
 789 appropriate. The task force shall consist of (1) the Commissioner of
 790 Public Health or his designee; (2) the Commissioner of Environmental
 791 Protection or his designee; (3) the Commissioner of Economic and
 792 Community Development or his designee; (4) the [Secretary of the
 793 Office of Policy and Management] Commissioner of Energy or his
 794 designee; (5) the chairperson of the Public Utilities Control Authority

795 or his designee; and (6) the chairman of the Connecticut Siting Council
796 or his designee.

797 Sec. 29. Section 16-262c of the general statutes is repealed and the
798 following is substituted in lieu thereof (*Effective from passage*):

799 (a) Notwithstanding any other provision of the general statutes no
800 electric, electric distribution, gas, telephone or water company, no
801 electric supplier or certified telecommunications provider, and no
802 municipal utility furnishing electric, gas, telephone or water service
803 shall cause cessation of any such service by reason of delinquency in
804 payment for such service (1) on any Friday, Saturday, Sunday, legal
805 holiday or day before any legal holiday, provided such a company,
806 electric supplier, certified telecommunications provider or municipal
807 utility may cause cessation of such service to a nonresidential account
808 on a Friday which is not a legal holiday or the day before a legal
809 holiday when the business offices of the company, electric supplier,
810 certified telecommunications provider or municipal utility are open to
811 the public the succeeding Saturday, (2) at any time during which the
812 business offices of said company, electric supplier, certified
813 telecommunications provider or municipal utility are not open to the
814 public, or (3) within one hour before the closing of the business offices
815 of said company, electric supplier or municipal utility.

816 (b) (1) [From] (A) Except as provided in subparagraph (B) of this
817 subdivision, from November first to April fifteenth, inclusive, no
818 electric or electric distribution company, as defined in section 16-1, as
819 amended, no electric supplier and no municipal utility furnishing
820 electricity shall terminate or refuse to reinstate residential electric
821 service in hardship cases where the customer lacks the financial
822 resources to pay his or her entire account. From November first to
823 April fifteenth, inclusive, no gas company and no municipal utility
824 furnishing gas shall terminate or refuse to reinstate residential gas
825 service in hardship cases where the customer uses such gas for heat
826 and lacks the financial resources to pay his or her entire account,

except a gas company that, between April sixteenth and October thirty-first, terminated gas service to a residential customer who uses gas for heat and who, during the previous period of November first to April fifteenth, had gas service maintained because of hardship status, may refuse to reinstate the gas service from November first to April fifteenth, inclusive, only if the customer has failed to pay, since the preceding November first, the lesser of [:(A) Twenty] twenty per cent of the outstanding principal balance owed the gas company as of the date of termination, [(B)] one hundred dollars [,] or [(C)] the minimum payments due under the customer's amortization agreement. Notwithstanding any other provision of the general statutes to the contrary, no electric, electric distribution or gas company, no electric supplier and no municipal utility furnishing electricity or gas shall terminate or refuse to reinstate residential electric or gas service where the customer lacks the financial resources to pay his or her entire account and for which customer or a member of the customer's household the termination or failure to reinstate such service would create a life-threatening situation.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the following shall be applicable from November 1, 2005, to June 1, 2006, inclusive. No electric or electric distribution company, no electric supplier and no municipal utility furnishing electricity shall terminate or refuse to reinstate residential electric service in hardship cases where the customer lacks the financial resources to pay his or her entire account. No gas company and no municipal utility furnishing gas shall terminate or refuse to reinstate residential gas service in hardship cases where the customer uses such gas for heat and lacks the financial resources to pay his or her entire account, except a gas company that, between April 15, 2005, and October 31, 2005, terminated gas service to a residential customer who uses gas for heat and who, during the previous period of November 1, 2004, to April 16, 2005, had gas service maintained because of hardship status, may refuse to reinstate the gas service from November 1, 2005, to June 1, 2006, inclusive, only if the customer has failed to pay, since November

861 1, 2004, the lesser of twenty per cent of the outstanding principal
862 balance owed the gas company as of the date of termination, one
863 hundred dollars or the minimum payments due under the customer's
864 amortization agreement. Notwithstanding the provisions of the
865 general statutes, no electric, electric distribution or gas company, no
866 electric supplier and no municipal utility furnishing electricity or gas
867 shall terminate or refuse to reinstate residential electric or gas service
868 where the customer lacks the financial resources to pay his or her
869 entire account and for which the customer or a member of the
870 customer's household the termination or failure to reinstate such
871 service would create a life-threatening situation.

872 (2) During any period in which a residential customer is subject to
873 termination, an electric, electric distribution or gas company, an
874 electric supplier or a municipal utility furnishing electricity or gas shall
875 provide such residential customer whose account is delinquent an
876 opportunity to enter into a reasonable amortization agreement with
877 such company, electric supplier or utility to pay such delinquent
878 account and to avoid termination of service. Such amortization
879 agreement shall allow such customer adequate opportunity to apply
880 for and receive the benefits of any available energy assistance
881 program. An amortization agreement shall be subject to amendment
882 on customer request if there is a change in the customer's financial
883 circumstances.

884 (3) As used in this section, (A) "household income" means the
885 combined income over a twelve-month period of the customer and all
886 adults, except children of the customer, who are and have been
887 members of the household for six months or more, and (B) "hardship
888 case" includes, but is not limited to: (i) A customer receiving local, state
889 or federal public assistance; (ii) a customer whose sole source of
890 financial support is Social Security, Veterans' Administration or
891 unemployment compensation benefits; (iii) a customer who is head of
892 the household and is unemployed, and the household income is less
893 than three hundred per cent of the poverty level determined by the

894 federal government; (iv) a customer who is seriously ill or who has a
895 household member who is seriously ill; (v) a customer whose income
896 falls below one hundred twenty-five per cent of the poverty level
897 determined by the federal government; and (vi) a customer whose
898 circumstances threaten a deprivation of food and the necessities of life
899 for himself or dependent children if payment of a delinquent bill is
900 required.

901 (4) In order for a residential customer of a gas or electric distribution
902 company using gas or electricity for heat to be eligible to have any
903 moneys due and owing deducted from the customer's delinquent
904 account pursuant to this subdivision, the company furnishing gas or
905 electricity shall require that the customer (A) apply and be eligible for
906 benefits available under the Connecticut energy assistance program or
907 state appropriated fuel assistance program; (B) authorize the company
908 to send a copy of the customer's monthly bill directly to any energy
909 assistance agency for payment; (C) enter into and comply with an
910 amortization agreement, which agreement is consistent with decisions
911 and policies of the Department of Public Utility Control. Such an
912 amortization agreement shall reduce a customer's payment by the
913 amount of the benefits reasonably anticipated from the Connecticut
914 energy assistance program, state appropriated fuel assistance program
915 or other energy assistance sources. Unless the customer requests
916 otherwise, the company shall budget a customer's payments over a
917 twelve-month period with an affordable increment to be applied to
918 any arrearage, provided such payment plan will not result in loss of
919 any energy assistance benefits to the customer. If a customer
920 authorizes the company to send a copy of his monthly bill directly to
921 any energy assistance agency for payment, the energy assistance
922 agency shall make payments directly to the company. If, on April
923 thirtieth, or June 15, 2006, with respect to the period covered in
924 subparagraph (B) of subdivision (2) of subsection (b) of this section, a
925 customer has been in compliance with the requirements of
926 subparagraphs (A) to (C), inclusive, of this subdivision, during the
927 period starting on the preceding November first, or from such time as

928 the customer's account becomes delinquent, the company shall deduct
929 from such customer's delinquent account an additional amount equal
930 to the amount of money paid by the customer between the preceding
931 November first and April thirtieth, or June 15, 2006, with respect to the
932 period covered in subparagraph (B) of subdivision (2) of subsection (b)
933 of this section, and paid on behalf of the customer through the
934 Connecticut energy assistance program and state appropriated fuel
935 assistance program. Any customer in compliance with the
936 requirements of subparagraphs (A) to (C), inclusive, of this
937 subdivision, on April thirtieth, or June 15, 2006, with respect to the
938 period covered in subparagraph (B) of subdivision (2) of subsection (b)
939 of this section, who continues to comply with an amortization
940 agreement through the succeeding October thirty-first, shall also have
941 an amount equal to the amount paid pursuant to such agreement and
942 any amount paid on behalf of such customer between May first, or
943 June 16, 2006, with respect to the period covered in subparagraph (B)
944 of subdivision (2) of subsection (b) of this section, and the succeeding
945 October thirty-first deducted from the customer's delinquent account.
946 In no event shall the deduction of any amounts pursuant to this
947 subdivision result in a credit balance to the customer's account. No
948 customer shall be denied the benefits of this subdivision due to an
949 error by the company. The Department of Public Utility Control shall
950 allow the amounts deducted from the customer's account pursuant to
951 the implementation plan, described in subdivision (5) of this
952 subsection, to be recovered by the company in its rates as an operating
953 expense, pursuant to said implementation plan. If the customer fails to
954 comply with the terms of the amortization agreement or any decision
955 of the department rendered in lieu of such agreement and the
956 requirements of subparagraphs (A) to (C), inclusive, of this
957 subdivision, the company may terminate service to the customer,
958 pursuant to all applicable regulations, provided such termination shall
959 not occur between November first and April fifteenth, or June 1, 2006,
960 with respect to the period covered in subparagraph (B) of subdivision
961 (2) of subsection (b) of this section.

962 (5) Each gas and electric distribution company shall submit to the
963 Department of Public Utility Control annually, on or before July first,
964 an implementation plan which shall include information concerning
965 amortization agreements, counseling, reinstatement of eligibility, rate
966 impacts and any other information deemed relevant by the
967 department. The Department of Public Utility Control may, in
968 consultation with the Office of Policy and Management, approve or
969 modify such plan within ninety days of receipt of the plan. If the
970 department does not take any action on such plan within ninety days
971 of its receipt, the plan shall automatically take effect at the end of the
972 ninety-day period, provided the department may extend such period
973 for an additional thirty days by notifying the company before the end
974 of the ninety-day period. Any amount recovered by a company in its
975 rates pursuant to this subsection shall not include any amount
976 approved by the Department of Public Utility Control as an
977 uncollectible expense. The department may deny all or part of the
978 recovery required by this subsection if it determines that the company
979 seeking recovery has been imprudent, inefficient or acting in violation
980 of statutes or regulations regarding amortization agreements.

981 (6) On or after January 1, 1993, the Department of Public Utility
982 Control may require gas companies to expand the provisions of
983 subdivisions (4) and (5) of this subsection to all hardship customers.
984 Any such requirement shall not be effective until November 1, 1993.

985 (7) (A) All electric, electric distribution and gas companies, electric
986 suppliers and municipal utilities furnishing electricity or gas shall
987 collaborate in developing, subject to approval by the Department of
988 Public Utility Control, standard provisions for the notice of
989 delinquency and impending termination under subsection (a) of
990 section 16-262d. Each such company and utility shall place on the front
991 of such notice a provision that the company, electric supplier or utility
992 shall not effect termination of service to a residential dwelling for
993 nonpayment of disputed bills during the pendency of any complaint.
994 In addition, the notice shall state that the customer must pay current

995 and undisputed bill amounts during the pendency of the complaint.
996 (B) At the beginning of any discussion with a customer concerning a
997 reasonable amortization agreement, any such company or utility shall
998 inform the customer (i) of the availability of a process for resolving
999 disputes over what constitutes a reasonable amortization agreement,
1000 (ii) that the company, electric supplier or utility will refer such a
1001 dispute to one of its review officers as the first step in attempting to
1002 resolve the dispute and (iii) that the company, electric supplier or
1003 utility shall not effect termination of service to a residential dwelling
1004 for nonpayment of a delinquent account during the pendency of any
1005 complaint, investigation, hearing or appeal initiated by the customer,
1006 unless the customer fails to pay undisputed bills, or undisputed
1007 portions of bills, for service received during such period. (C) Each such
1008 company, electric supplier and utility shall inform and counsel all
1009 customers who are hardship cases as to the availability of all public
1010 and private energy conservation programs, including programs
1011 sponsored or subsidized by such companies and utilities, eligibility
1012 criteria, where to apply, and the circumstances under which such
1013 programs are available without cost.

1014 (8) The Department of Public Utility Control shall adopt regulations,
1015 in accordance with chapter 54, to carry out the provisions of this
1016 subsection. Such regulations shall include, but not be limited to,
1017 criteria for determining hardship cases and for reasonable
1018 amortization agreements, including appeal of such agreements, for
1019 categories of customers. Such regulations may include the
1020 establishment of a reasonable rate of interest which a company may
1021 charge on the unpaid balance of a customer's delinquent bill and a
1022 description of the relationship and responsibilities of electric suppliers
1023 to customers.

1024 (c) Each electric, electric distribution and gas company, electric
1025 supplier and municipal utility shall, not later than December first,
1026 annually, submit a report to the department and the General Assembly
1027 indicating (1) the number of customers in each of the following

categories and the total delinquent balances for such customers as of the preceding April fifteenth, or June 1, 2006, with respect to the period covered in subparagraph (B) of subdivision (2) of subsection (b) of this section: (A) Customers who are hardship cases and (i) who made arrangements for reasonable amortization agreements, (ii) who did not make such arrangements, and (B) customers who are nonhardship cases and who made arrangements for reasonable amortization, (2) (A) the number of heating customers receiving energy assistance during the preceding heating season and the total amount of such assistance, and (B) the total balance of the accounts of such customers after all energy assistance is applied to the accounts, (3) the number of hardship cases reinstated between November first of the preceding year and April fifteenth of the same year, the number of hardship cases terminated between April fifteenth of the same year and November first and the number of hardship cases reinstated during each month from April to November, inclusive, of the same year, (4) the number of reasonable amortization agreements executed and the number breached during the same year by (A) hardship cases, and (B) nonhardship cases, and (5) the number of accounts of (A) hardship cases, and (B) nonhardship cases for which part or all of the outstanding balance is written off as uncollectible during the preceding year and the total amount of such uncollectibles.

(d) Nothing in this section shall (1) prohibit a public service company, electric supplier or municipal utility from terminating residential utility service upon request of the customer or in accordance with section 16-262d upon default by the customer on an amortization agreement or collecting delinquent accounts through legal processes, including the processes authorized by section 16-262f, or (2) relieve such company, electric supplier or municipal utility of its responsibilities set forth in sections 16-262d and 16-262e to occupants of residential dwellings or, with respect to a public service company or electric supplier, the responsibilities set forth in section 19a-109.

(e) No provision of the Freedom of Information Act, as defined in

1061 section 1-200, shall be construed to require or permit a municipal
1062 utility furnishing electric, gas or water service, a municipality
1063 furnishing water or sewer service, a district established by special act
1064 or pursuant to chapter 105 and furnishing water or sewer service or a
1065 regional authority established by special act to furnish water or sewer
1066 service to disclose records under the Freedom of Information Act, as
1067 defined in section 1-200, which identify or could lead to identification
1068 of the utility usage or billing information of individual customers, to
1069 the extent such disclosure would constitute an invasion of privacy.

1070 (f) If an electric supplier suffers a loss of revenue by operation of
1071 this section, the supplier may make a claim for such revenue to the
1072 department. The electric distribution company shall reimburse the
1073 electric supplier for such losses found to be reasonable by the
1074 department at the lower of (1) the price of the contract between the
1075 supplier and the customer, or (2) the electric distribution company's
1076 price to customers for default service, as determined by the
1077 department. The electric distribution company may recover such
1078 reimbursement, along with transaction costs, through the systems
1079 benefits charge.

1080 Sec. 30. Subdivision (5) of subsection (b) of section 16-262c of the
1081 general statutes is repealed and the following is substituted in lieu
1082 thereof (*Effective July 1, 2006*):

1083 (5) Each gas and electric distribution company shall submit to the
1084 Department of Public Utility Control annually, on or before July first,
1085 an implementation plan which shall include information concerning
1086 amortization agreements, counseling, reinstatement of eligibility, rate
1087 impacts and any other information deemed relevant by the
1088 department. The Department of Public Utility Control may, in
1089 consultation with the [Office of Policy and Management]
1090 Commissioner of Energy, approve or modify such plan within ninety
1091 days of receipt of the plan. If the department does not take any action
1092 on such plan within ninety days of its receipt, the plan shall

1093 automatically take effect at the end of the ninety-day period, provided
 1094 the department may extend such period for an additional thirty days
 1095 by notifying the company before the end of the ninety-day period. Any
 1096 amount recovered by a company in its rates pursuant to this
 1097 subsection shall not include any amount approved by the Department
 1098 of Public Utility Control as an uncollectible expense. The department
 1099 may deny all or part of the recovery required by this subsection if it
 1100 determines that the company seeking recovery has been imprudent,
 1101 inefficient or acting in violation of statutes or regulations regarding
 1102 amortization agreements.

1103 Sec. 31. Section 16a-2 of the general statutes is repealed and the
 1104 following is substituted in lieu thereof (*Effective July 1, 2006*):

1105 As used in this chapter and sections 16a-45a, as amended by this act,
 1106 16a-46, as amended by this act, 16a-46a, as amended by this act, and
 1107 16a-46b, as amended by this act:

1108 [(a) "Office" means the Office of Policy and Management;

1109 (b) "Board" means the Connecticut Energy Advisory Board;]

1110 [(c)] (1) "Secretary" means the Secretary of the Office of Policy and
 1111 Management;

1112 (2) "Department" means the Department of Energy;

1113 (3) "Commissioner" means the Commissioner of Energy;

1114 [(d)] (4) "Energy" means work or heat that is, or may be, produced
 1115 from any fuel or source whatsoever;

1116 [(e)] (5) "Energy emergency" means a situation where the health,
 1117 safety or welfare of the citizens of the state is threatened by an actual
 1118 or impending acute shortage in usable energy resources;

1119 [(f)] (6) "Energy resource" means natural gas, petroleum products,
 1120 coal and coal products, wood fuels, geothermal sources, radioactive

1121 materials and any other resource yielding energy;

1122 [(g)] (7) "Person" means any individual, firm, partnership,
1123 association, syndicate, company, trust, corporation, limited liability
1124 company, municipality, agency or political or administrative
1125 subdivision of the state, or other legal entity of any kind;

1126 [(h)] (8) "Service area" means any geographic area serviced by the
1127 same energy-producing public service company, as defined in section
1128 16-1, as amended;

1129 [(i)] (9) "Renewable resource" means solar, wind, water, wood or
1130 other biomass source of energy and geothermal energy;

1131 [(j)] (10) "Energy-related products" means [(1)] (A) energy systems
1132 and equipment that utilize renewable resources to provide space
1133 heating or cooling, water heating, electricity or other useful energy,
1134 [(2)] (B) insulation materials, and [(3)] (C) equipment designed to
1135 conserve energy or increase the efficiency of its use, including that
1136 used for residential, commercial, industrial and transportation
1137 purposes;

1138 [(k)] (11) "Energy-related services" means [(1)] (A) the design,
1139 construction, installation, inspection, maintenance, adjustment or
1140 repair of energy-related products, [(2)] (B) inspection, adjustment,
1141 maintenance or repair of any conventional energy system, [(3)] (C) the
1142 performance of energy audits or the provision of energy management
1143 consulting services, and [(4)] (D) weatherization activities carried out
1144 under any federal, state or municipal program;

1145 [(l)] (12) "Conventional energy system" means any system for
1146 supplying space heating or cooling, ventilation or domestic or
1147 commercial hot water which is not included in [subdivision (1) of
1148 subsection (j)] subparagraph (A) of subdivision (10) of this section; and

1149 [(m)] (13) "Energy supply" means any energy resource capable of
1150 being used to perform useful work and any form of energy such as

1151 electricity produced or derived from energy resources which may be
1152 so used.

1153 Sec. 32. Section 16a-4 of the general statutes is repealed and the
1154 following is substituted in lieu thereof (*Effective July 1, 2006*):

1155 The Secretary of the Office of Policy and Management shall employ,
1156 subject to the provisions of chapter 67, such staff as is required for the
1157 proper discharge of duties of the office as set forth in [this chapter and]
1158 sections [4-5,] 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-
1159 189, subsection (b) of section 8-206, sections 16a-20, as amended by this
1160 act, 16a-102, as amended by this act, 22a-352 and 22a-353. The secretary
1161 may adopt, pursuant to chapter 54, such regulations as are necessary
1162 to carry out the purposes of this chapter.

1163 Sec. 33. Section 16a-4a of the general statutes is repealed and the
1164 following is substituted in lieu thereof (*Effective July 1, 2006*):

1165 The Office of Policy and Management shall:

1166 (1) Formulate and prepare state-wide or interregional plans for the
1167 physical, social and economic development of the state. Such plans
1168 may be prepared jointly or in consultation with other state, interstate,
1169 federal, regional or local agencies. Such plans may include, but need
1170 not be limited to, (A) demographic projections, (B) economic
1171 projections, (C) land use and water considerations, (D) transportation
1172 requirements, (E) environmental considerations, (F) energy capabilities
1173 and requirements, (G) public facilities, (H) labor needs and skills, (I)
1174 educational objectives, (J) housing needs, and (K) health needs;

1175 (2) Receive for review, information and recommendations, plans
1176 proposed by any state agency acting alone or jointly which has among
1177 its duties planning responsibilities relating to those considerations set
1178 forth in subdivision (1) of this section or similar subjects;

1179 (3) Coordinate regional and state planning activities and accomplish
1180 such planning review activities as may be necessary;

1181 (4) Designate or redesignate logical planning regions within the
1182 state and promote and assist in the promotion and continuation of
1183 regional planning agencies under chapter 127;

1184 (5) Provide for technical aid and the administration of financial
1185 assistance to regional planning agencies established under chapter 127
1186 or any regional council of elected officials in any region without a
1187 regional planning agency or any regional council of governments
1188 organized under sections 4-124i to 4-124p, inclusive, under such terms
1189 and conditions as may be agreed upon by the secretary;

1190 (6) Accept from any source funds, revenue or other consideration
1191 available to this state for interstate, state, regional, interregional or area
1192 planning activities or projects and provide for the administration of
1193 such funds, revenues or other consideration; and

1194 (7) Make available to the public, for a reasonable fee, all reports,
1195 testing results and other material developed or procured as a result of
1196 activities authorized by this section, section 16a-14 and section 16a-14b,
1197 as amended by this act. [; and]

1198 [(8) Provide technical assistance to municipalities that want to
1199 aggregate electric generation services.]

1200 Sec. 34. Section 16a-5 of the general statutes is repealed and the
1201 following is substituted in lieu thereof (*Effective July 1, 2006*):

1202 (a) The [Secretary of the Office of Policy and Management]
1203 Commissioner of Energy, with the assistance of any other state agency,
1204 if needed, shall investigate violations of chapter 296 and, in connection
1205 with the performance of his duties under this chapter and chapter 296,
1206 shall have the power to hold hearings, issue subpoenas and summon
1207 and examine witnesses under oath and issue subpoenas duces tecum
1208 for the production of books, records, vouchers, memoranda,
1209 documents, letters, tapes or other recordings or other papers or items.
1210 If any person refuses to obey a subpoena, the superior court for the

1211 judicial district of Hartford, or any judge of the court if it is not in
1212 session, shall, upon application of the [secretary] commissioner, have
1213 jurisdiction to issue to the person an order requiring him to appear
1214 before the [secretary] commissioner or to produce the books, records,
1215 vouchers, memoranda, documents, letters, tapes or other recordings or
1216 other papers or items requested.

1217 (b) The [secretary] commissioner may, in connection with the
1218 performance of his duties under any other statute or act, apply to the
1219 superior court for the judicial district of Hartford, or to a judge of the
1220 court if the court is not in session, for a subpoena to compel the
1221 attendance and testimony under oath of witnesses or the production of
1222 books, records, vouchers, memoranda, documents, letters, tapes or
1223 other recordings or other papers or items. The court or judge shall,
1224 before issuing the subpoena, provide adequate opportunity for the
1225 [secretary] commissioner and the party against whom the subpoena is
1226 requested to be heard. No such subpoena shall be issued unless the
1227 court or judge finds that the attendance and testimony of the witness
1228 or the production of the requested material is reasonably necessary to
1229 carry out the purposes of such other statute or act and that the
1230 [secretary] commissioner has made reasonable efforts to secure the
1231 attendance, testimony and requested material without recourse to
1232 compulsory process. Such subpoena shall be served by a proper officer
1233 or indifferent person.

1234 Sec. 35. Section 16a-6 of the general statutes is repealed and the
1235 following is substituted in lieu thereof (*Effective July 1, 2006*):

1236 Each department, office, board, commission, council or other agency
1237 of the state and each officer or employee shall cooperate with the
1238 Secretary of the Office of Policy and Management and shall furnish
1239 him such information, personnel and assistance as may be necessary or
1240 appropriate in the discharge of the responsibilities of the secretary and
1241 the board under this chapter and sections 4-5, as amended by this act,
1242 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-189, subsection

1243 (b) of section 8-206, sections [16a-20, 16a-102,] 22a-352 and 22a-353.
 1244 [The Commissioner of Motor Vehicles shall require each person
 1245 applying for a license under section 14-319 to submit in his application
 1246 the information which persons registering under section 16a-22d are
 1247 required to submit. The commissioner shall furnish the secretary with
 1248 this information.]

1249 Sec. 36. (NEW) (*Effective July 1, 2006*) Each department, office, board,
 1250 commission, council or other agency of the state and each officer or
 1251 employee shall cooperate with the Commissioner of Energy and shall
 1252 furnish the Commissioner of Energy such information, personnel and
 1253 assistance as may be necessary or appropriate in the discharge of the
 1254 responsibilities of the Commissioner of Energy under chapter 277 of
 1255 the general statutes and sections 16a-20 of the general statutes, as
 1256 amended by this act, and 16a-102 of the general statutes, as amended
 1257 by this act. The Commissioner of Motor Vehicles shall require each
 1258 person applying for a license under section 14-319 of the general
 1259 statutes to submit in his application the information that persons
 1260 registering under section 16a-22d of the general statutes, as amended
 1261 by this act, are required to submit. The Commissioner of Motor
 1262 Vehicles shall furnish the Commissioner of Energy with this
 1263 information.

1264 Sec. 37. Section 16a-7a of the general statutes is repealed and the
 1265 following is substituted in lieu thereof (*Effective July 1, 2006*):

1266 On or before January 1, [2004] 2007, and annually thereafter, the
 1267 [Connecticut Energy Advisory Board] Commissioner of Energy shall
 1268 prepare a comprehensive energy plan based on existing reports and
 1269 studies as to the need for new energy resources, new energy
 1270 transmission facilities in the state and new energy conservation
 1271 initiatives in the state. The [board] commissioner shall hold regional
 1272 public hearings on the proposed plan and shall give at least thirty
 1273 days' notice of each hearing by publication on the Internet websites of
 1274 the participating agencies. [participating on the board.] Notice of such

1275 hearing may be published in one or more newspapers having general
1276 circulation in each municipality as deemed necessary by the [board]
1277 commissioner. The notice shall state the date, time and place of the
1278 hearing, the subject matter of the hearing, the statutory authority for
1279 the plan and the location where a copy of the plan may be examined.
1280 Any person may comment on the proposed plan. The [board]
1281 commissioner shall provide a time period of not less than forty-five
1282 days from the date the notice is published on the Internet websites of
1283 the participating agencies [participating on the board] for review and
1284 comment. The [board] commissioner shall consider fully, after all
1285 public hearings, all written and oral comments respecting the
1286 proposed plan and shall mail to each person who commented or
1287 requested notification, notice of availability of the following
1288 documents at a designated location: The text of the final plan, a
1289 summary of the differences between the proposed and final plan and
1290 the reasons for such differences, and the principal considerations
1291 raised in opposition to the proposed plan and the reasons for rejecting
1292 any such considerations. The [chairman of the board] commissioner
1293 shall sign the final plan and shall submit it to the joint standing
1294 committees of the General Assembly having cognizance of matters
1295 relating to energy, the environment and transportation. Such plan shall
1296 reflect the legislative findings and policy stated in section 16a-35k,
1297 shall be consistent with the state plan of conservation and
1298 development adopted under chapter 297 and shall include, but not be
1299 limited to, (1) an assessment of current energy supplies, demand and
1300 costs; (2) an identification and evaluation of the factors likely to affect
1301 future energy supplies, demand and costs; (3) a statement of progress
1302 made toward long-term goals set in the previous report; (4)
1303 recommendations for decreasing dependency on fossil fuels by
1304 promoting energy conservation, solar and other alternative energy
1305 sources; (5) an assessment of the infrastructure of the state for natural
1306 gas and electric systems; (6) an evaluation of the impact of regional
1307 transmission infrastructure planning processes conducted by the
1308 regional independent system operator, as defined in section 16-1, as

1309 amended, on the state's environment, on energy market design, and on
 1310 economic development in the state; (7) the consideration of alternative
 1311 energy planning mechanisms and targets as an alternative to
 1312 integrated resource planning; (8) a statement of energy policies and
 1313 long-range energy planning objectives and strategies appropriate to
 1314 achieve, among other things, the least-cost mix of energy supply
 1315 sources and measures that reduce demand for energy, giving due
 1316 regard to such factors as ratepayer impacts, security and diversity of
 1317 fuel supplies and energy generating methods, protection of public
 1318 health and safety, adverse or beneficial environmental impacts,
 1319 conservation of energy and energy resources and the ability of the state
 1320 to compete economically; and (9) recommendations for administrative
 1321 and legislative actions to implement such policies, objectives and
 1322 strategies.

1323 Sec. 38. Section 16a-7b of the general statutes is repealed and the
 1324 following is substituted in lieu thereof (*Effective July 1, 2006*):

1325 Not later than December 1, [2004, the Connecticut Energy Advisory
 1326 Board shall develop] 2007, the Commissioner of Energy shall review
 1327 and update, if necessary, infrastructure criteria guidelines for the
 1328 evaluation process under subsection (f) of section 16a-7c, as amended
 1329 by this act, which guidelines shall be consistent with state
 1330 environmental policy, state economic development policy, the state's
 1331 policy regarding the restructuring of the electric industry, as set forth
 1332 in section 16-244, and the findings in the comprehensive energy plan
 1333 prepared pursuant to section 16a-7a, as amended by this act, and shall
 1334 include, but not be limited to, the following: (1) Environmental
 1335 preference standards; (2) efficiency standards, including, but not
 1336 limited to, efficiency standards for transmission, generation and
 1337 demand-side management; (3) generation preference standards; (4)
 1338 electric capacity, use trends and forecasted resource needs; (5) natural
 1339 gas capacity, use trends and forecasted resource needs; and (6)
 1340 national and regional reliability criteria applicable to the regional bulk
 1341 power grid, as determined in consultation with the regional

1342 independent system operator, as defined in section 16-1, as amended.
 1343 In developing environmental preference standards, the [board]
 1344 commissioner shall consider the recommendations and findings of the
 1345 task force established pursuant to section 25-157a and Executive Order
 1346 Number 26 of Governor John G. Rowland.

1347 Sec. 39. Section 16a-7c of the general statutes is repealed and the
 1348 following is substituted in lieu thereof (*Effective July 1, 2006*):

1349 (a) Not later than fifteen days after receiving information pursuant
 1350 to subsection (e) of section 16-50l, as amended by this act, the
 1351 [Connecticut Energy Advisory Board] Commissioner of Energy shall
 1352 publish such information in one or more newspapers or periodicals, as
 1353 selected by the [board] commissioner.

1354 (b) On or after December 1, 2004, not later than fifteen days after the
 1355 filing of an application pursuant to subdivision (1) of subsection (a) of
 1356 section 16-50i, except for an application for a facility described in
 1357 subdivision (5) or (6) of subsection (a) of section 16-50i, the
 1358 [Connecticut Energy Advisory Board] commissioner shall issue a
 1359 request-for-proposal to seek alternative solutions to the need that will
 1360 be addressed by the proposed facility in such application. Such
 1361 request-for-proposal shall, where relevant, solicit proposals that
 1362 include distributed generation or energy efficiency measures. The
 1363 board shall publish such request-for-proposal in one or more
 1364 newspapers or periodicals, as selected by the board.

1365 (c) The [board] commissioner may issue a request-for-proposal for
 1366 solutions to a need for new energy resources, new energy transmission
 1367 facilities in the state, and new energy conservation initiatives in the
 1368 state identified in the annual comprehensive energy report prepared
 1369 under section 16a-7a, as amended by this act, or identified in regional
 1370 energy system planning processes conducted by the regional
 1371 independent system operator, as defined in section 16-1, as amended.
 1372 Such request-for-proposal shall, where relevant, solicit proposals that
 1373 include distributed generation or energy efficiency measures. The

1374 [board] commissioner shall publish such request-for-proposal in one or
1375 more newspapers or periodicals, as selected by the [board]
1376 commissioner.

1377 (d) Not later than sixty days after the first date of publication of a
1378 request-for-proposal, a person or any legal entity may submit a
1379 proposal by filing with the [board] commissioner information as such
1380 person or entity may consider relevant to such proposal. The [board]
1381 commissioner may request further information from the person or
1382 entity that it deems necessary to evaluate the proposal pursuant to
1383 subsection (f) of this section.

1384 (e) Upon the submission of a proposal pursuant to a request-for-
1385 proposal, the person or entity submitting the proposal shall consult
1386 with the municipality in which the facility may be located and with
1387 any other municipality that would be required to be served with a
1388 copy of an application for such proposal under subdivision (1) of
1389 subsection (b) of section 16-50l, as amended by this act, concerning the
1390 proposed and alternative sites of the facility. Such consultation with
1391 the municipality shall include, but not be limited to, good faith efforts
1392 to meet with the chief elected official of the municipality. At the time
1393 of the consultation, the person or entity submitting the proposal shall
1394 provide the chief elected official with any technical reports concerning
1395 the public need, the site selection process and the environmental
1396 effects of the proposed facility. The municipality may conduct public
1397 hearings and meetings as it deems necessary for it to advise the person
1398 or entity submitting the proposal of its recommendations concerning
1399 the proposed facility. Within sixty days of the initial consultation, the
1400 municipality shall issue its recommendations to the person or entity
1401 submitting the proposal. If a person or entity chooses to file an
1402 application pursuant to subdivision (3) of subsection (a) of section 16-
1403 50l, as amended by this act, then such person or entity shall provide to
1404 the Connecticut Siting Council a summary of the consultations with
1405 the municipality, including all recommendations issued by the
1406 municipality. A person or entity that has complied with this subsection

1407 shall be exempt from the provisions of subsection (e) of section 16-50l,
1408 as amended by this act.

1409 (f) Not later than forty-five days after the deadline for submissions
1410 in response to a request-for-proposal, the [board] commissioner shall
1411 issue a report that evaluates each proposal received, including any
1412 proposal contained in an application to the council that initiated a
1413 request-for-proposal, based on the materials received pursuant to
1414 subsection (d) of this section, or information contained in the
1415 application, as required by section 16-50l, as amended by this act, for
1416 conformance with the infrastructure criteria guidelines created
1417 pursuant to section 6a-7b. The [board] commissioner shall forward the
1418 results of such evaluation process to the Connecticut Siting Council.

1419 Sec. 40. Section 16a-9 of the general statutes is repealed and the
1420 following is substituted in lieu thereof (*Effective July 1, 2006*):

1421 (a) There shall continue to be an energy emergency plan. Said plan
1422 may include, but not be limited to, the following: (1) Establishment of
1423 programs, controls, standards, priorities and quotas for the allocation,
1424 rationing, conservation, distribution and consumption of available
1425 energy resources, (2) suspension and modification of existing statutes,
1426 standards and requirements affecting or affected by the use of energy
1427 resources, (3) adoption of measures affecting the type and composition
1428 and production and distribution of energy resources, (4) imposition of
1429 price restrictions on energy resources, (5) adoption of measures
1430 affecting the hours and days on which public buildings and
1431 commercial and industrial establishments may be or are required to
1432 remain open or closed and (6) establishment and implementation of
1433 regional programs and agreements for the purpose of coordinating
1434 energy resource programs and actions of the state with those of the
1435 federal government and of other states and localities. Said plan shall
1436 include such levels of energy emergency as the [secretary]
1437 Commissioner of Energy shall establish.

1438 (b) The [secretary] commissioner shall prepare or cause to be

1439 prepared such amendments to the energy emergency plan as he may
1440 deem necessary. Such amendments shall be submitted to the General
1441 Assembly no later than fifteen days after the convening of any regular
1442 session of the General Assembly following the preparation of such
1443 amendments and shall be referred by the speaker of the House of
1444 Representatives and the president pro tempore of the Senate to the
1445 joint standing committee having cognizance of matters relating to
1446 energy. Said committee shall review such amendments and report its
1447 recommendations within fifteen days to the General Assembly. The
1448 General Assembly may by joint resolution disapprove or reject any
1449 section or sections of such amendments within forty-five days after the
1450 submittal of such amendments.

1451 Sec. 41. Section 16a-13 of the general statutes is repealed and the
1452 following is substituted in lieu thereof (*Effective July 1, 2006*):

1453 (a) (1) Any person aggrieved by any order issued under section 16a-
1454 11 or 16a-12 may file a petition with the [secretary] Commissioner of
1455 Energy requesting an exemption. The petition shall be in such form as
1456 the [secretary] commissioner may prescribe. The person filing the
1457 petition shall be subject to the penalty for making a false statement
1458 under section 53a-157b.

1459 (2) The [secretary] commissioner may grant an exemption to any
1460 person who due to certain circumstances is unable to comply with
1461 such order without suffering inordinate hardship beyond that
1462 hardship suffered by persons generally, including, but not limited to,
1463 circumstances where in the absence of such exemption the petitioner
1464 would: (A) Be prevented from performing activities essential to the
1465 pursuit of his regular occupation or profession, (B) suffer adverse
1466 medical effects or be unable to obtain necessary medical treatment, or
1467 (C) incur permanent and substantial injury to person or property. The
1468 [secretary] commissioner may also grant an exemption to any person
1469 who performs an essential public service and who would be prevented
1470 from performing such service or would be impaired in his

1471 performance in the absence of such exemption.

1472 (3) In making a determination pursuant to this subsection, the
1473 [secretary] commissioner may compare the relevant circumstances of
1474 the petitioner with (A) other users of the same fuel, users of other
1475 fuels, or both, or (B) other persons in the same economic sector or
1476 subsector, persons in other economic sectors or subsectors, or both, as
1477 determined by the [secretary] commissioner to be most appropriate in
1478 terms of the specific energy resource availability situation existing or
1479 forecast at the time such comparison is made.

1480 (b) The [secretary] commissioner may investigate any such petition
1481 and consider in his decision any relevant factual finding resulting from
1482 such investigation. The [secretary] commissioner may accept
1483 submissions from third parties relevant to such petition, provided the
1484 petitioner is afforded the opportunity to respond to such third party
1485 submissions. The [secretary] commissioner may also consider any
1486 other sources of relevant information in deciding the petition before
1487 him. The [secretary] commissioner may hold an informal hearing, if, in
1488 his opinion, such hearing is advisable.

1489 (c) If the [secretary] commissioner determines that there is
1490 insufficient information upon which to base a decision and if upon
1491 request the required additional information is not furnished, the
1492 petition may be dismissed without prejudice. The [secretary]
1493 commissioner shall grant, deny or dismiss without prejudice such
1494 petition not more than thirty days after receipt of such petition. The
1495 [secretary] commissioner may make his decision granting an
1496 exemption conditional upon the petitioner's taking actions specified in
1497 such decision. Upon the granting, denying or dismissal of such
1498 petition, the [secretary] commissioner shall notify the petitioner, in
1499 writing, the reasons for his decision.

1500 (d) The [secretary] commissioner may reconsider and alter any
1501 decision under this section as he deems necessary to implement such
1502 plan, or any provision of such plan or any order adopted pursuant to

1503 section 16a-11 or 16a-12. The [secretary] commissioner may suspend or
1504 revoke any exemption for any reason including, but not limited to: (1)
1505 Changed circumstances where the grounds for granting an exemption
1506 to the petitioner have ceased to exist, (2) failure on the part of the
1507 petitioner to comply with conditions specified in the [secretary's]
1508 commissioner's decision granting the exemption, or (3) where the
1509 exemption was issued by mistake or on the basis of misrepresentation
1510 or false pretenses on the part of the petitioner.

1511 (e) The provisions of sections 4-176e to 4-181a, inclusive, shall not
1512 apply to any proceeding held pursuant to subsections (a) to (d),
1513 inclusive, of this section. Any person aggrieved by the decision of the
1514 [secretary] commissioner may appeal such decision in accordance with
1515 the provisions of sections 4-183 and 4-184.

1516 (f) The [secretary] commissioner shall adopt regulations, in
1517 accordance with chapter 54, establishing administrative procedures to
1518 implement the provisions of this section with respect to petitions for
1519 exemption.

1520 Sec. 42. Section 16a-13a of the general statutes is repealed and the
1521 following is substituted in lieu thereof (*Effective July 1, 2006*):

1522 (a) The [secretary] commissioner, in granting or denying an
1523 exemption under section 16a-13, as amended by this act, may take into
1524 account past levels of energy consumption or changes therein on the
1525 part of the person seeking such exemption.

1526 (b) The [secretary] commissioner may adopt regulations, in
1527 accordance with chapter 54, which establish procedures for
1528 documenting past levels of energy consumption or changes therein for
1529 the purposes of an exemption under said section 16a-13.

1530 (c) The [secretary] commissioner may grant an exemption if he
1531 determines that the person seeking the exemption has fulfilled the
1532 conditions contained in such regulations. The regulations shall permit

1533 exemption: (1) In cases where the applicant documents an absolute
 1534 reduction in energy consumption over such periods of time as the
 1535 regulations may establish, which periods may vary for different
 1536 categories of persons, and the reduction is the result of physical or
 1537 behavioral changes or adjustments undertaken for energy conservation
 1538 purposes and not from changes or modifications undertaken for other
 1539 purposes, such as alterations in building size, extent or type of
 1540 production capacity or utilization thereof, or changes in the nature or
 1541 number of work force employed, which changes were not undertaken
 1542 for energy conservation purposes; or (2) in cases where the applicant
 1543 documents that his consumption of energy is substantially less than
 1544 that of other persons in like circumstances over such period of time as
 1545 the regulations may establish, which periods may vary for different
 1546 categories of persons, and the level of consumption is due to physical
 1547 or behavioral factors, changes or adjustments, undertaken for energy
 1548 conservation purposes and not from factors, changes or modifications
 1549 not so related.

1550 (d) The regulations may provide that reductions in or levels of
 1551 energy consumption which occur subsequent to the proclamation of an
 1552 energy emergency pursuant to section 16a-11 or section 16a-12 shall
 1553 not constitute the basis for exemption unless the reductions are due
 1554 solely to actions undertaken prior to such proclamation.

1555 Sec. 43. Section 16a-13b of the general statutes is repealed and the
 1556 following is substituted in lieu thereof (*Effective July 1, 2006*):

1557 (a) The [secretary] Commissioner of Energy shall: (1) Be responsible
 1558 for the conduct and administration of energy emergency planning and
 1559 preparedness activities generally, including the coordination of such
 1560 activities under this title with other state emergency planning
 1561 conducted under any other provisions of the general statutes or special
 1562 acts and with energy emergency planning or preparedness activities
 1563 undertaken by the federal government, other states and regional or
 1564 interstate organizations, and (2) coordinate, under the direction of the

1565 office of the Governor, the adoption and implementation of emergency
1566 measures by state departments during any energy emergency
1567 proclaimed under section 16a-11 or section 16a-12, including the
1568 coordination of state, federal, regional and interstate activities.

1569 (b) In exercising the responsibilities under subsection (a) of this
1570 section, the [secretary] commissioner shall consult with the
1571 Department of Emergency Management and Homeland Security, the
1572 Department of Public Safety, the Department of Public Utility Control,
1573 the Department of Transportation and such other state agencies as the
1574 [secretary] commissioner deems appropriate. Each state agency shall
1575 assist the [secretary] commissioner in carrying out the responsibilities
1576 assigned by sections 16a-9 to 16a-13d, inclusive, as amended by this
1577 act.

1578 Sec. 44. Section 16a-14a of the general statutes is repealed and the
1579 following is substituted in lieu thereof (*Effective July 1, 2006*):

1580 (a) The [secretary] Commissioner of Energy may develop a program
1581 to provide grants to small businesses located within the state which are
1582 active in research, development, demonstration or commercial
1583 activities involving energy-related products and services for which
1584 funding from federal and other nonstate sources is not available. Such
1585 assistance shall be designed to carry out the purposes of this chapter
1586 and chapter 298.

1587 (b) The [secretary] Commissioner of Energy shall adopt regulations,
1588 in accordance with chapter 54, in consultation with the Commissioner
1589 of Economic and Community Development, to govern the operation of
1590 any such grant program and to define small businesses, or specific
1591 categories thereof, which are eligible for such grants. Priority shall be
1592 accorded to the development of small scale technology applicable to
1593 residential dwellings and municipal facilities.

1594 Sec. 45. Section 16a-14b of the general statutes is repealed and the
1595 following is substituted in lieu thereof (*Effective July 1, 2006*):

1596 (a) The [secretary] Commissioner of Energy shall develop voluntary
 1597 testing programs for energy-related products or categories of such
 1598 products. Such testing shall be designed to protect the interests of
 1599 consumers by providing reliable information on such products, and
 1600 may include the evaluation of the energy efficiency, durability,
 1601 reliability, health and safety aspects, life-cycle cost or other
 1602 performance qualities of such products.

1603 (b) The [secretary] Commissioner of Energy, in consultation with
 1604 the Commissioner of Consumer Protection, shall adopt regulations, in
 1605 accordance with chapter 54, establishing provisions (1) for
 1606 standardized procedures for the performance of such testing; (2) for
 1607 categories of energy-related products to be covered by such testing
 1608 procedures; (3) to differentiate between the testing of experimental
 1609 energy-related products and commercial energy-related products, to
 1610 determine the range of models produced by a specific manufacturer to
 1611 which testing results will apply and to ensure that products submitted
 1612 for testing constitute a representative sample of those produced within
 1613 such range by said manufacturer; (4) for a standardized format for the
 1614 compilation of information from such tests which shall include all
 1615 relevant information from each type of test performed on a product; (5)
 1616 for the designation of qualified state or state-certified facilities to
 1617 perform such testing; provided, no person or organization which has
 1618 any pecuniary interest in the manufacture, distribution or sale of
 1619 energy-related products within or without the state shall be eligible for
 1620 such designation; and (6) for a schedule of reasonable fees for the
 1621 performance of such tests or a procedure for establishing such a
 1622 schedule.

1623 Sec. 46. Section 16a-14e of the general statutes is repealed and the
 1624 following is substituted in lieu thereof (*Effective July 1, 2006*):

1625 The [Office of Policy and Management] Commissioner of Energy
 1626 shall operate a purchasing pool for the purchase of electricity for state
 1627 operations. [Said office] The commissioner shall provide the

1628 opportunity to participate in such purchasing pool to each household
1629 that includes an individual who receives means-tested assistance
1630 administered by the state or federal government. Any such household
1631 shall receive through such purchasing pool the same benefits and rate
1632 discounts available for state facilities. The [Office of Policy and
1633 Management] commissioner shall use federal and state energy
1634 assistance funds to leverage the lowest practicable electric rates for
1635 households participating in such pool, provided such funds shall not
1636 be used for administrative purposes. The provisions of section 16-245
1637 shall not apply to the [Office of Policy and Management]
1638 commissioner for purposes of this section.

1639 Sec. 47. Section 16a-16 of the general statutes is repealed and the
1640 following is substituted in lieu thereof (*Effective July 1, 2006*):

1641 (a) This chapter may be enforced by the [Secretary of the Office of
1642 Policy and Management] Commissioner of Energy in the superior
1643 court for any judicial district in which any person who violates any
1644 provisions of this chapter resides or maintains a place of business by
1645 an ex parte temporary injunction issued by said court or a judge
1646 thereof; provided, if such injunction is issued, such person may file a
1647 motion to dissolve such injunction and a hearing upon such motion
1648 shall be held by the superior court not later than three days after
1649 service of such motion upon the Governor pursuant to an order of said
1650 court or a judge thereof. If a permanent injunction is granted, such
1651 person may be assessed damages of not more than ten thousand
1652 dollars plus court costs.

1653 (b) The provisions of this section are not exclusive, and the remedies
1654 provided for in this section shall be in addition to any other remedy
1655 provided for in any other section of the general statutes or available
1656 under common law.

1657 Sec. 48. Section 16a-20 of the general statutes is repealed and the
1658 following is substituted in lieu thereof (*Effective July 1, 2006*):

1659 (a) The [Office of Policy and Management] Commissioner of Energy
1660 may institute a civil action in the Superior Court, or in the United
1661 States District Court, where applicable, against any person, firm,
1662 corporation, business or combination thereof it believes, or has reason
1663 to believe, has violated sections 16a-17 to 16a-20, inclusive, as amended
1664 by this act, to enjoin said parties from continuing such conduct within
1665 this state and to seek repayment of damages on behalf of those
1666 individuals, businesses and industries harmed by said activities. In
1667 such actions it shall be represented by the Attorney General.

1668 (b) Upon the institution of such civil action, the Attorney General
1669 shall have the right to take the deposition of any witness he believes,
1670 or has reason to believe, has information relative to the prosecution of
1671 said action, upon application made to the Superior Court,
1672 notwithstanding the provisions of other statutes limiting depositions.
1673 The Attorney General shall also have the right to take such depositions
1674 in other states and to utilize the laws of said other states relative to the
1675 taking of depositions where allowed by the laws of those states. The
1676 state of Connecticut shall allow similar depositions to be taken within
1677 this state on behalf of any governmental agency of another state or any
1678 territory or possession of the United States seeking to pursue litigation
1679 similar to that permitted under sections 16a-17 to 16a-20, inclusive, as
1680 amended by this act, so long as such other state allows the Attorney
1681 General to take depositions within its jurisdiction. In so doing, the
1682 Superior Court shall enforce the orders of the courts of such other state
1683 relative to the deposition requested and issue subpoenas or subpoenas
1684 duces tecum, as necessary, as well as enforcing said subpoenas
1685 through citations of contempt or other available remedies.

1686 (c) In any case where damages referred to in subsection (a) of this
1687 section shall be proven by a fair preponderance of the evidence, the
1688 court shall order repayment by any or all defendants of said damages
1689 to the applicable parties or businesses through the [Office of Policy and
1690 Management] Department of Energy.

1691 (d) The court shall also have the right, in its discretion, to assess
1692 treble damages against said defendants.

1693 (e) Any such civil action shall be privileged in assignment for trial.

1694 Sec. 49. Section 16a-22 of the general statutes is repealed and the
1695 following is substituted in lieu thereof (*Effective July 1, 2006*):

1696 (a) Any person engaged in the business of selling petroleum
1697 products, as defined in section 16a-22c, as amended by this act, on a
1698 wholesale basis who has sufficient knowledge of an impending
1699 shortage in the availability of petroleum products, as defined in section
1700 16a-22c, as amended by this act, or any officer or manager of a firm or
1701 corporation engaged in such business who has such knowledge, shall
1702 cause to be given immediate written notice of any possible inability as
1703 a result of such shortage to deliver petroleum products, as defined in
1704 section 16a-22c, to the [Secretary of the Office of Policy and
1705 Management] Commissioner of Energy and to each retail oil dealer
1706 engaged in the business of supplying petroleum products, as defined
1707 in section 16a-22c, as amended by this act, for residential heating that
1708 such person, firm or corporation customarily supplies with petroleum
1709 products, as defined in section 16a-22c, as amended by this act, on a
1710 wholesale basis. No such person engaged in the business of selling
1711 petroleum products, as defined in section 16a-22c, as amended by this
1712 act, on a wholesale basis and no such officer or manager shall
1713 discriminate, in the percentage of supplies delivered, against
1714 independent retail oil dealers in favor of dealers affiliated with such
1715 supplier.

1716 (b) Any person engaged in the business of distributing or selling
1717 petroleum products, as defined in section 16a-22c, as amended by this
1718 act, on a wholesale basis who intends to terminate the supply of
1719 petroleum products, as defined in section 16a-22c, as amended by this
1720 act, to a retail dealer shall give written notice at least fourteen days in
1721 advance of such termination to the retail dealer, the municipality or
1722 municipalities in which the retail dealer distributes and the [Secretary

1723 of the Office of Policy and Management] Commissioner of Energy
1724 concerning such proposed termination of supply.

1725 (c) Any person, firm or corporation who violates the provisions of
1726 this section shall be fined one thousand dollars for each violation.

1727 Sec. 50. Section 16a-22c of the general statutes is repealed and the
1728 following is substituted in lieu thereof (*Effective July 1, 2006*):

1729 For the purposes of sections [16a-15 and] 16a-22c to 16a-22g,
1730 inclusive, as amended by this act:

1731 (1) "Company" means any corporation, partnership, proprietorship
1732 or any other business, firm or commercial entity;

1733 (2) "Petroleum products" means middle distillate, residual fuel oil,
1734 liquefied petroleum gas, motor gasoline, aviation gasoline or aviation
1735 turbine fuel, as defined in regulations which the [secretary]
1736 commissioner shall adopt in accordance with the provisions of chapter
1737 54. Notwithstanding any provision of this subdivision to the contrary,
1738 "petroleum products" shall not include gasoline other than aviation
1739 gasoline, which is sold at retail in accordance with the provisions of
1740 chapter 250;

1741 (3) ["Secretary" means the Secretary of the Office of Policy and
1742 Management, or his] "Commissioner" means the Commissioner of
1743 Energy or the commissioner's designee.

1744 Sec. 51. Section 16a-22d of the general statutes is repealed and the
1745 following is substituted in lieu thereof (*Effective July 1, 2006*):

1746 (a) (1) Any person that is engaged in the wholesale or retail sale, or
1747 both, of petroleum products in this state or in the wholesale sale of
1748 petroleum products for consumption in this state and that sells at least
1749 one million gallons of such products annually or any person that is
1750 engaged in the operation of a petroleum product storage terminal or
1751 petroleum product pipeline shall register with the [secretary]

1752 commissioner not later than September thirtieth of each year or not
1753 later than thirty days of commencing operations in the state by such
1754 person, whichever is later.

1755 (2) Any person that is engaged in the wholesale or retail sale, or
1756 both, of petroleum products in this state or in the wholesale sale of
1757 petroleum products for consumption in this state and that sells at least
1758 five thousand but less than one million gallons of such products
1759 annually shall register with the [secretary] commissioner, if so
1760 requested by the [secretary] commissioner, not more than thirty days
1761 after such request. The [secretary] commissioner shall not require such
1762 registration more than once in any twelve-month period.

1763 (3) Such registration shall be on a form prescribed or furnished by
1764 the [secretary] commissioner and shall require the registrant, subject to
1765 the penalty for false statement under section 53a-157b, to provide the
1766 following information: (A) The name, mailing address and telephone
1767 number of the registrant; (B) the name, mailing address and telephone
1768 number of any company with which the registrant is affiliated, and
1769 whether any such affiliated company is engaged in the wholesale or
1770 retail sale, or both, or the delivery into or storage of petroleum
1771 products in this state or another state, or both; (C) whether the
1772 registrant engages in wholesale operations, retail operations, or both,
1773 or the delivery into or storage of petroleum products and whether the
1774 registrant engages in sales to residential customers; (D) any other
1775 names and places of business used by the registrant to conduct
1776 business; and (E) any further information which the [secretary]
1777 commissioner may request pursuant to this title.

1778 (b) For the purposes of this section, "affiliated" means the existence
1779 of one or more of the following relationships between the registrant
1780 and any other company: (1) The registrant owns or is owned by, in
1781 whole or in part, another company; (2) the registrant has one or more
1782 common officers or directors with another company; (3) the registrant
1783 owns facilities or equipment in common with another company; (4) the

1784 registrant engages in common operations or joint ventures with
1785 another company; or (5) the registrant controls the activities of another
1786 company, or the activities of the registrant are controlled by another
1787 company.

1788 Sec. 52. Section 16a-22e of the general statutes is repealed and the
1789 following is substituted in lieu thereof (*Effective July 1, 2006*):

1790 The [secretary] commissioner shall maintain a public listing of
1791 persons engaging in the wholesale or retail sale of petroleum products
1792 who have registered in accordance with section 16a-22d, as amended
1793 by this act. Such public listing shall include the information provided
1794 in accordance with subdivisions (1) and (3) of subsection (a) of [said]
1795 section 16a-22d, as amended by this act.

1796 Sec. 53. Section 16a-22h of the general statutes is repealed and the
1797 following is substituted in lieu thereof (*Effective July 1, 2006*):

1798 (a) (1) Each person, firm or corporation which is required to register
1799 pursuant to section 16a-22d, as amended by this act, which engages in
1800 the wholesale or retail sale, or both, of propane in the state and which
1801 sells at least five hundred thousand gallons of such product annually,
1802 shall report to the [Secretary of the Office of Policy and Management]
1803 Commissioner of Energy upon the request of the [secretary]
1804 commissioner and on such forms as prescribed by the [secretary]
1805 commissioner, not later than the fifteenth day of each month for which
1806 the [secretary] commissioner requests a report. Such report shall state
1807 the number of gallons held in storage on the last day of the previous
1808 month, the location of each storage facility in which the propane was
1809 stored, the number of gallons of propane held for shipment out of state
1810 and the estimated number of days' supply represented by the gallons
1811 held in storage.

1812 (2) Any person, firm or corporation who engages in the sale, other
1813 than at retail, of propane in the state shall report to the [secretary]
1814 commissioner upon the request of the [secretary] commissioner and on

1815 such forms as prescribed by the [secretary] commissioner, not later
1816 than the fifteenth of each month for which the [secretary]
1817 commissioner requests a report. Such report shall state the number of
1818 gallons of propane sold, other than at retail, during the previous
1819 calendar month and the estimated number of gallons to be sold during
1820 the current month.

1821 (b) (1) Each person, firm or corporation which is required to register
1822 pursuant to section 16a-22d, as amended by this act, which engages in
1823 the wholesale or retail sale, or both, of number two distillate fuel in the
1824 state, in excess of five million gallons of such product annually, shall
1825 report to the [Secretary of the Office of Policy and Management]
1826 commissioner upon the request of the [secretary] commissioner and on
1827 such forms as prescribed by the [secretary] commissioner, not later
1828 than the fifteenth day of each month for which the [secretary]
1829 commissioner requests a report. Such report shall state the number of
1830 gallons held in storage on the last day of the previous month, the
1831 location of each storage facility in which the number two distillate fuel
1832 was stored, the number of gallons of number two distillate fuel held
1833 for shipment out of state and the estimated number of days' supply
1834 represented by the gallons held in storage. In any such report number
1835 two heating oil and diesel fuel shall be reported separately.

1836 (2) Any person, firm or corporation who engages in the sale, other
1837 than at retail, of number two distillate fuel in the state shall report to
1838 the [secretary] commissioner upon the request of the [secretary]
1839 commissioner and on such forms as prescribed by the [secretary]
1840 commissioner, not later than the fifteenth of each month for which the
1841 [secretary] commissioner requests a report. Such report shall state the
1842 number of gallons of number two distillate fuel sold, other than at
1843 retail, during the previous calendar month and the estimated number
1844 of gallons to be sold during the current month. In any such report
1845 number two heating oil and diesel fuel shall be reported separately.

1846 (c) Any person, firm or corporation who violates subsection (a) or

1847 (b) of this section shall be fined not more than one hundred dollars for
1848 the first offense nor more than five hundred dollars for each
1849 subsequent offense.

1850 (d) The [Secretary of the Office of Policy and Management]
1851 commissioner may adopt regulations, in accordance with the
1852 provisions of chapter 54, to establish reporting requirements for other
1853 petroleum products, as defined in subdivision (2) of section 16a-22c, as
1854 amended by this act.

1855 Sec. 54. Section 16a-22i of the general statutes is repealed and the
1856 following is substituted in lieu thereof (*Effective July 1, 2006*):

1857 Notwithstanding any other provision of the general statutes to the
1858 contrary, whenever the [Secretary of the Office of Policy and
1859 Management] Commissioner of Energy finds that conditions in the
1860 petroleum products market require additional sales, inventory or price
1861 information for a complete analysis of such market the [secretary]
1862 commissioner may require any person, firm or corporation engaged in
1863 the sale or storage of petroleum products in the state to provide such
1864 information concerning the petroleum products market as he directs.

1865 Sec. 55. Section 16a-22j of the general statutes is repealed and the
1866 following is substituted in lieu thereof (*Effective July 1, 2006*):

1867 Each person, firm or corporation, registered pursuant to section 16a-
1868 22d, as amended by this act, shall notify the [Secretary of the Office of
1869 Policy and Management] Commissioner of Energy, in writing, within
1870 thirty days of the sale or acquisition of another person, firm or
1871 corporation registered, pursuant to said section, or of a change in the
1872 current business practices of such person, firm or corporation. As used
1873 in this section "current business practices" shall include the sale or
1874 acquisition of petroleum storage facilities, the withdrawal from or
1875 entry into a petroleum market or any activity which would alter the
1876 information provided in the registrants most recent registration.

1877 Sec. 56. Subsection (f) of section 16a-23t of the 2006 supplement to
1878 the general statutes is repealed and the following is substituted in lieu
1879 thereof (*Effective July 1, 2006*):

1880 (f) The chairperson of the Public Utilities Control Authority, or the
1881 chairperson's designee, the Commissioner of Social Services, or the
1882 commissioner's designee, [the chairperson of the Connecticut Energy
1883 Advisory Board, and the Secretary of the Office of Policy and
1884 Management, or the secretary's] and the Commissioner of Energy, or
1885 the commissioner's designee, shall constitute a Home Heating Oil
1886 Planning Council to address issues involving the supply, delivery and
1887 costs of home heating oil and state policies regarding the future of the
1888 state's home heating oil supply. The [Secretary of the Office of Policy
1889 and Management] Commissioner of Energy shall convene the first
1890 meeting of the council.

1891 Sec. 57. Section 16a-37f of the general statutes is repealed and the
1892 following is substituted in lieu thereof (*Effective July 1, 2006*):

1893 A budgeted agency, as defined in section 4-69, shall only purchase
1894 replacement light bulbs which (1) are provided under an electric
1895 company's customer lighting efficiency program, (2) are equivalent in
1896 energy efficiency to bulbs provided under such electric company
1897 lighting efficiency program, as determined by the [Secretary of the
1898 Office of Policy and Management] Commissioner of Energy, in
1899 consultation with the Commissioner of Administrative Services, or (3)
1900 meet such other life-cycle cost analysis standards as the [Secretary of
1901 the Office of Policy and Management] Commissioner of Energy, with
1902 the concurrence of the Commissioner of Administrative Services, may
1903 designate.

1904 Sec. 58. Section 16a-37u of the general statutes is repealed and the
1905 following is substituted in lieu thereof (*Effective July 1, 2006*):

1906 (a) The [Secretary of the Office of Policy and Management]
1907 Commissioner of Energy shall be responsible for planning and

1908 managing energy use in state-owned and leased buildings and shall
 1909 establish a program to maximize the efficiency with which energy is
 1910 utilized in such buildings. The [secretary] commissioner shall exercise
 1911 this authority by (1) preparing and implementing annual and long-
 1912 range plans, with timetables, establishing goals for reducing state
 1913 energy consumption and, based on energy audits, specific objectives
 1914 for state agencies to meet the performance standards adopted under
 1915 section 16a-38, as amended by this act; (2) coordinating federal and
 1916 state energy conservation resources and activities, including but not
 1917 limited to, those required to be performed by other state agencies
 1918 under this chapter; and (3) monitoring energy use and costs by
 1919 budgeted state agencies on a monthly basis.

1920 (b) Not later than January fifth, annually, the [Secretary of the Office
 1921 of Policy and Management] Commissioner of Energy shall submit a
 1922 report to the Governor and the joint standing committee of the General
 1923 Assembly having cognizance of matters relating to energy planning
 1924 and activities. The report shall (1) indicate the total number of energy
 1925 audits and technical assistance audits of state-owned and leased
 1926 buildings, (2) summarize the status of the energy conservation
 1927 measures recommended by such audits, (3) summarize all energy
 1928 conservation measures implemented during the preceding twelve
 1929 months in state-owned and leased buildings which have not had such
 1930 audits, (4) analyze the availability and allocation of funds to
 1931 implement the measures recommended under subdivision (2) of this
 1932 subsection, (5) list each budgeted agency, as defined in section 4-69,
 1933 which occupies a state-owned or leased building and has not
 1934 cooperated with the Commissioner of Public Works and the [Secretary
 1935 of the Office of Policy and Management] Commissioner of Energy in
 1936 conducting energy and technical assistance audits of such building and
 1937 implementing operational and maintenance improvements
 1938 recommended by such audits and any other energy conservation
 1939 measures required for such building by the [secretary] Commissioner
 1940 of Energy, (6) summarize all life-cycle cost analyses prepared under
 1941 section 16a-38, as amended by this act, during the preceding twelve

1942 months, and summarize agency compliance with the life-cycle cost
1943 analyses, and (7) identify any state laws, regulations or procedures that
1944 impede innovative energy conservation and load management projects
1945 in state buildings.

1946 (c) The [Secretary of the Office of Policy and Management]
1947 Commissioner of Energy, in conjunction with the Department of Public
1948 Works, shall as soon as practicable and where cost-effective connect all
1949 state-owned buildings to a district heating and cooling system, where
1950 such heating and cooling system currently exists or where one is
1951 proposed. The [secretary] Commissioner of Energy, in conjunction
1952 with the Department of Public Works, shall prepare an annual report
1953 with the results of the progress in connecting state-owned buildings to
1954 such a heating and cooling system, the cost of such connection and any
1955 projected energy savings achieved through any such connection. The
1956 [secretary] Commissioner of Energy shall submit the report to the joint
1957 standing committee of the General Assembly having cognizance of
1958 matters relating to energy on or before January 1, 1993, and January
1959 first annually thereafter.

1960 (d) The [Secretary of the Office of Policy and Management]
1961 Commissioner of Energy shall require each state agency to maximize
1962 its use of public service companies' energy conservation and load
1963 management programs and to provide sites in its facilities for
1964 demonstration projects of highly energy efficient equipment, provided
1965 no such demonstration project impairs the functioning of the facility.

1966 Sec. 59. Section 16a-37v of the general statutes is repealed and the
1967 following is substituted in lieu thereof (*Effective July 1, 2006*):

1968 Not later than July 1, 2004, the [Office of Policy and Management]
1969 Department of Energy and the Department of Public Works shall
1970 establish a pilot program under which the state selects an existing state
1971 facility or complex of facilities to be covered by an energy performance
1972 contract with a private vendor. The agencies that participate in the
1973 pilot program shall submit reports on the results of the program to the

1974 joint standing committees of the General Assembly having cognizance
1975 of matters relating to appropriations and energy and technology in
1976 accordance with section 11-4a. Such reports shall be submitted not
1977 later than three months after the effective date of the contract and
1978 annually thereafter until the final report is submitted not later than
1979 three months after the termination of the contract.

1980 Sec. 60. Section 16a-38 of the general statutes is repealed and the
1981 following is substituted in lieu thereof (*Effective July 1, 2006*):

1982 (a) As used in this section, subsection (e) of section 4b-23, as
1983 amended, sections 16a-38a, as amended by this act, and 16a-38b, as
1984 amended by this act, unless the context otherwise requires: (1) "Major
1985 capital project" means the construction or renovation of a major
1986 facility; (2) "major facility" means any building owned by the state or
1987 constructed or renovated wholly or partly with state funds, including a
1988 state-financed housing project, which is used or intended to be used as
1989 a school or which has ten thousand or more gross square feet, or any
1990 other building so owned, constructed or renovated which is
1991 designated a major facility by the Commissioner of Public Works; (3)
1992 "renovation" means additions, alterations or repairs to a major facility
1993 which the Commissioner of Public Works finds will have a substantial
1994 effect upon the energy consumption of the facility; (4) "life-cycle cost"
1995 means the cost, as determined by the methodology identified in the
1996 National Institute of Standards and Technology's special publication
1997 544 and interagency report 80-2040, available as set forth in the Code of
1998 Federal Regulations, Title 15, Part 230, of a major facility including the
1999 initial cost of its construction or renovation, the marginal cost of future
2000 energy capacity, the cost of the energy consumed by the facility over
2001 its expected useful life or, in the case of a leased facility, over the
2002 remaining term of the lease, and the cost of operating and maintaining
2003 the facility as such cost affects energy consumption; (5) "energy
2004 performance standard" means a rate of energy consumption which is
2005 the minimum practically achievable, on a life-cycle cost basis, by
2006 adjusting maintenance or operating procedures, modifying a

2007 building's equipment or structure and utilizing renewable sources of
 2008 energy; (6) "energy audit" means an evaluation of, recommendations
 2009 for and improvements of the energy consumption characteristics of all
 2010 passive, active and operational energy systems and components by
 2011 demand and type of energy used including the internal energy load
 2012 imposed on a building by its occupants, equipment and components,
 2013 and the external energy load imposed on a building by the climatic
 2014 conditions at its location; (7) "renewable sources of energy" means
 2015 energy from direct solar radiation, wind, water, geothermal sources,
 2016 wood and other forms of biomass; (8) "cost effective" means that
 2017 savings exceed cost over a ten-year period; (9) "state agency" means
 2018 any department, board, commission, institution, or other agency of this
 2019 state; and (10) "covered products" means the consumer products set
 2020 forth as covered products in the Energy Policy and Conservation Act,
 2021 42 USC 6292.

2022 (b) (1) Except as provided in subsection (f) of this section, the
 2023 Commissioner of Public Works and the [Secretary of the Office of
 2024 Policy and Management] Commissioner of Energy shall jointly
 2025 establish and publish standards for life-cycle cost analyses required by
 2026 this section for buildings owned or leased by the state. Such life-cycle
 2027 cost analyses for buildings shall provide, but shall not be limited to,
 2028 information on the estimated initial cost of each energy-consuming
 2029 system being compared and evaluated, annual operating and
 2030 maintenance costs of all energy-consuming systems over the useful life
 2031 of the building, cost of energy, salvage value and the estimated
 2032 replacement cost for each energy-consuming system or component
 2033 expressed in annual terms for the useful life of the building.

2034 (2) Except as provided in subsection (f) of this section, the
 2035 Commissioner of Administrative Services and the [Secretary of the
 2036 Office of Policy and Management] Commissioner of Energy may
 2037 jointly establish and publish standards for life-cycle cost analyses
 2038 required by this section for equipment and appliances owned or leased
 2039 by the state which are not covered products, and for such equipment

2040 and appliances which are covered products. In establishing such
2041 standards, the [commissioner and secretary] commissioners shall
2042 consider the criteria set forth in subsection (j) of this section.

2043 (c) No state agency shall obtain preliminary design approval for a
2044 major capital project unless the Commissioner of Public Works makes
2045 a written determination that the design is cost effective on a life-cycle
2046 cost basis. To make such a determination, the commissioner (1) shall
2047 require documentation that the design meets or exceeds the standards
2048 set forth in the National Bureau of Standards Handbook 135, or
2049 subsequent corresponding handbook of the United States Department
2050 of Commerce and the State Building Code, and (2) may require
2051 additional documentation, including, but not limited to, a life-cycle
2052 cost analysis that complies with the standards established pursuant to
2053 subdivision (1) of subsection (b) of this section.

2054 (d) All design proposals for major capital projects shall include at
2055 least two differing energy systems for space heating, cooling and hot
2056 water to supplement the passive features designed into the building.
2057 Such proposals may include computer or other analytical modeling or
2058 simulation but shall not be construed to require the development of
2059 architectural or mechanical design plans for each such system. All cost
2060 evaluations of the competing energy systems shall be based on life-
2061 cycle costs. A life-cycle cost analysis for each competing energy system
2062 determined by the Commissioner of Public Works to meet the
2063 standards of subsection (b) of this section shall be included as part of
2064 the design proposal for all projects. No major capital project shall be
2065 approved by the Commissioner of Public Works or by the State
2066 Properties Review Board pursuant to section 4b-23, as amended, after
2067 June 30, 1980, unless the proposed project achieves to the maximum
2068 extent practicable the energy performance standards established in
2069 accordance with subsection (b) or (g) of this section.

2070 (e) All applications for state funding of major capital projects shall
2071 be accompanied by a life-cycle cost analysis which the Commissioner

2072 of Public Works has determined complies with the standards
2073 established pursuant to subsection (b) of this section. The
2074 Commissioner of Public Works or the [Secretary of the Office of Policy
2075 and Management] Commissioner of Energy may require such a life-
2076 cycle cost analysis for projects other than major capital projects.

2077 (f) The Commissioner of Economic and Community Development
2078 and the [Secretary of the Office of Policy and Management]
2079 Commissioner of Energy shall jointly establish and publish energy
2080 performance standards for buildings constructed as part of state-
2081 owned and state-financed housing projects and establish standards for
2082 life-cycle cost analyses for such projects. In establishing such
2083 standards, the [commissioner and secretary] commissioners shall
2084 consider (1) the coordination, positioning and solar orientation of the
2085 project on its situs, (2) the amount of glazing, degree of sun shading
2086 and direction of exposure, (3) the levels of insulation incorporated into
2087 the design, (4) the variable occupancy and operating conditions of the
2088 facility, (5) all architectural features which affect energy consumption,
2089 and (6) the design and location of all heating, cooling, hot water and
2090 electrical systems.

2091 (g) Notwithstanding any provision in this section concerning the
2092 review of life-cycle cost analyses by the Commissioner of Public
2093 Works, a life-cycle cost analysis of a major capital project prepared for
2094 the Department of Housing shall be reviewed by the Commissioner of
2095 Economic and Community Development and the [Secretary of the
2096 Office of Policy and Management] Commissioner of Energy to
2097 determine if such analysis is in compliance with the life-cycle cost
2098 analyses standards established for such project under subsection (f) of
2099 this section.

2100 (h) Each state agency preparing a life-cycle cost analysis under this
2101 section shall submit a summary of the analysis to the [Secretary of the
2102 Office of Policy and Management] Commissioner of Energy.

2103 (i) Except as provided in subsection (f) of this section, the

2104 Commissioner of Public Works and the [Secretary of the Office of
2105 Policy and Management] Commissioner of Energy shall jointly
2106 establish and publish energy performance standards for existing and
2107 new buildings owned or leased by the state. Such standards shall
2108 require maximum efficiency in energy use in all such buildings and
2109 maximum practicable use of renewable sources of energy in all such
2110 buildings. In establishing such standards, the [commissioner and
2111 secretary] commissioners shall consider (1) the coordination,
2112 positioning and solar orientation of the project on its situs, (2) the
2113 amount of glazing, degree of sun shading and direction of exposure,
2114 (3) the levels of insulation incorporated into the design, (4) the variable
2115 occupancy and operating conditions of the facility, (5) all architectural
2116 features which affect energy consumption, and (6) the design and
2117 location of all heating, cooling, hot water and electrical systems.

2118 (j) Except as provided in subsection (f) of this section, the
2119 Commissioner of Administrative Services and the [Secretary of the
2120 Office of Policy and Management] Commissioner of Energy may
2121 jointly establish and publish energy performance standards for
2122 equipment and appliances owned or leased by the state which are not
2123 covered products, and for such equipment and appliances which are
2124 covered products. Any such standards shall require maximum energy
2125 efficiency for all such equipment and appliances and, for equipment
2126 and appliances owned or leased by the state which are covered
2127 products, shall be more stringent than the corresponding federal
2128 energy conservation standards set forth in the Energy Policy and
2129 Conservation Act, 42 USC 6295, or federal regulations adopted
2130 thereunder. In establishing such standards, the [commissioner and
2131 secretary] commissioners shall consider, without limitation, (1) the
2132 initial cost of the equipment or appliance, (2) the projected useful
2133 lifetime of the equipment or appliance, (3) the projected cost of the
2134 energy that the equipment or appliance will consume over its
2135 projected useful lifetime, (4) the estimated operating costs for
2136 maintenance and repair, over the projected useful lifetime of the
2137 equipment or appliance, and (5) the positive or negative salvage value

2138 of the equipment or appliance upon disposal at the conclusion of its
2139 projected useful lifetime.

2140 (k) Any life-cycle cost analysis standards established pursuant to
2141 subdivision (2) of subsection (b) of this section and any energy
2142 performance standards established pursuant to subsection (j) of this
2143 section shall be implemented in accordance with the purchasing
2144 requirements set forth in chapter 58, and any regulations adopted
2145 thereunder, and the provisions of this section and section 16a-38j, as
2146 amended by this act.

2147 Sec. 61. Section 16a-38a of the general statutes is repealed and the
2148 following is substituted in lieu thereof (*Effective July 1, 2006*):

2149 (a) The Commissioner of Public Works, in consultation with the
2150 Commissioner of Energy, shall conduct an energy audit of all
2151 buildings owned by the state to determine the energy conservation
2152 and energy consumption characteristics of such buildings. Such energy
2153 audits shall be conducted in cooperation with the state department,
2154 agency, board or commission occupying such building. Such energy
2155 audits shall be conducted in accordance with guidelines established
2156 under the "National Energy Conservation Policy Act", Public Law 95-
2157 619, 92 Stat. 3206 (1978), as amended from time to time, and with the
2158 following schedule: (1) Preliminary energy audits of all buildings
2159 owned or leased by the state shall be completed within one year after
2160 July 1, 1979. The results from such preliminary audits shall be used to
2161 set priorities for subsequent audits. (2) Subsequent energy audits based
2162 on the priorities established in accordance with subdivision (1) of this
2163 subsection, shall be initiated at a rate of at least twenty per cent of total
2164 building floor space per year. Each audit procedure shall be completed
2165 within two years of its initiation.

2166 (b) [(1)] The Commissioner of Public Works shall review and
2167 evaluate the energy audits completed in accordance with this section
2168 and shall, within six months, recommend to the [Secretary of the Office
2169 of Policy and Management] Commissioner of Energy buildings for cost

2170 effective retrofit measures to enable such buildings to attain the energy
 2171 performance standards established under subdivision (1) of subsection
 2172 (b) of section 16a-38, as amended by this act. [(2) It shall be a goal that
 2173 beginning not later than July 1, 1982, work to retrofit at least twenty
 2174 per cent of the total floor area of existing state-owned buildings for
 2175 energy conservation shall be commenced in each fiscal year. Where
 2176 technically feasible, renewable sources of energy shall be used for
 2177 space heating and cooling, domestic hot water and other applications.
 2178 (3) It shall be a goal that not later than June 30, 1991, all state-owned
 2179 buildings be the subject of such energy conservation and renewable
 2180 energy retrofit measures as will enable them to meet the energy
 2181 performance standards established in accordance with subdivision (1)
 2182 of subsection (b) of section 16a-38.]

2183 (c) The Commissioner of Public Works and the [Secretary of the
 2184 Office of Policy and Management] Commissioner of Energy shall
 2185 jointly develop and publish guidelines applicable to all state agencies
 2186 for an energy efficiency maintenance program for all state-owned
 2187 buildings. The program shall include, but not be limited to, annually
 2188 inspecting, testing and tuning fossil fuel burning equipment utilized
 2189 for space heating or the production of steam or hot water for process
 2190 uses. All agencies shall cooperate in implementing such maintenance
 2191 program.

2192 Sec. 62. Section 16a-38b of the general statutes is repealed and the
 2193 following is substituted in lieu thereof (*Effective July 1, 2006*):

2194 The Commissioner of Public Works, [and] the Secretary of the Office
 2195 of Policy and Management and the Commissioner of Energy shall take
 2196 such actions as may be necessary or appropriate to enable all state
 2197 facilities to meet the energy performance standards established in
 2198 accordance with subdivision (1) of subsection (b) of section 16a-38, as
 2199 amended by this act.

2200 Sec. 63. Section 16a-38i of the general statutes is repealed and the
 2201 following is substituted in lieu thereof (*Effective July 1, 2006*):

2202 (a) The energy performance standards established by the
2203 Commissioner of Public Works, [and] the Secretary of the Office of
2204 Policy and Management and the Commissioner of Energy pursuant to
2205 section 16a-38, as amended by this act, shall require that the
2206 Commissioner of Public Works, in consultation with the [secretary]
2207 Commissioner of Energy, establish a process for calculating annually,
2208 from currently available data, the average energy use per square foot
2209 in state buildings.

2210 (b) In accordance with section 16a-37u, as amended by this act, the
2211 [secretary] Commissioner of Energy shall (1) implement a system
2212 requiring all state agencies to use the process established by the
2213 Department of Public Works to annually calculate energy use, (2)
2214 establish one or more thresholds of acceptability for energy use in state
2215 buildings, and (3) (A) reduce energy use, on a cost-effective life-cycle
2216 basis and within available fiscal resources as determined by the
2217 secretary, in those buildings under the care and control of the
2218 Department of Public Works which do not meet such thresholds, and
2219 (B) assist other agencies in reducing energy use, on a cost-effective life-
2220 cycle basis and within available fiscal resources as determined by the
2221 [secretary] Commissioner of Energy, in those buildings under their
2222 care and control which do not meet the applicable thresholds.

2223 Sec. 64. Section 16a-38j of the general statutes is repealed and the
2224 following is substituted in lieu thereof (*Effective July 1, 2006*):

2225 The Department of Public Works, in consultation with the [Secretary
2226 of the Office of Policy and Management] Commissioner of Energy,
2227 shall adopt regulations, in accordance with the provisions of chapter
2228 54, establishing criteria to be used by each state agency in selecting
2229 equipment for use in state buildings. Such criteria shall include a
2230 life-cycle cost analysis. Such criteria for equipment for which energy
2231 performance standards have been established pursuant to subsection
2232 (j) of section 16a-38, as amended by this act, shall include such energy
2233 performance standards.

2234 Sec. 65. Section 16a-39 of the general statutes is repealed and the
2235 following is substituted in lieu thereof (*Effective July 1, 2006*):

2236 (a) As used in this section:

2237 (1) "Public building" means any building or portion thereof, other
2238 than an "exempted building", which is open to the public during
2239 normal business hours, including (A) any building which provides
2240 facilities or shelter for public assembly, (B) any inn, hotel, motel, sports
2241 arena, supermarket, transportation terminal, retail store, restaurant, or
2242 other commercial establishment which provides services or retails
2243 merchandise, and (C) any building owned or leased by the state of
2244 Connecticut or any political subdivision thereof, or by another state or
2245 political subdivision thereof and located in Connecticut, including
2246 libraries, museums, schools, hospitals, auditoriums, sports arenas and
2247 university buildings;

2248 (2) "Exempted building" means (A) any building whose peak design
2249 rate of energy usage for all purposes is less than one watt per square
2250 foot of floor area for all purposes, (B) any building with neither a
2251 heating nor cooling system and (C) any building owned or leased in
2252 whole or in part by the United States; and

2253 [(3) "Commissioner" means the Commissioner of Public Works or
2254 his designee;

2255 (4) "Secretary" means the Secretary of the Office of Policy and
2256 Management or his designee; and]

2257 [(5)] (3) "Eligible building" means a building owned by a
2258 municipality, located within the state and not used for public
2259 education purposes.

2260 (b) The [commissioner] Commissioner of Public Works, after
2261 consultation with the [secretary] Commissioner of Energy and with
2262 such advisory board as [said secretary] the Commissioner of Energy
2263 may appoint, shall adopt, in accordance with chapter 54, regulations

2264 establishing lighting standards for all public buildings. The members
2265 of any such advisory board shall receive neither compensation nor
2266 expenses for the performance of their duties.

2267 (c) The lighting standards adopted pursuant to subsection (b) of this
2268 section shall provide for the maximum feasible energy efficiency of
2269 lighting equipment commensurate with other factors relevant to
2270 lighting levels and equipment, including, but not limited to, the
2271 purposes of the lighting, reasonable economic considerations in terms
2272 both of initial capital costs and of operating costs including nonenergy
2273 operating costs, reasonable budgetary considerations in terms of the
2274 feasibility of implementing changes which require a significant capital
2275 expenditure in a given time period, any constraints imposed on
2276 lighting equipment by the nature of the activities being carried out in
2277 the facility involved, considerations involving historic preservation or
2278 unusual architectural features, the amount of remaining useful lifetime
2279 which a particular structure would be expected to enjoy and the size of
2280 the building or portion of the building involved.

2281 (d) The [commissioner] Commissioner of Public Works shall, upon
2282 the adoption of the regulations required by subsection (b) of this
2283 section, make random inspections of public buildings to monitor
2284 compliance with the standards established by such regulations. The
2285 [commissioner] Commissioner of Public Works may also inspect any
2286 public buildings against which complaints alleging violation of such
2287 standards have been received. The operator of a public building or
2288 portion thereof shall provide access to such inspectors at any
2289 reasonable time, including all times during which the facility is open to
2290 the public. If an inspector is denied access to a public building for the
2291 purposes of making an inspection in accordance with the provisions of
2292 this section, the [commissioner] Commissioner of Public Works may
2293 apply to the superior court for the judicial district wherein such
2294 building is located for injunctive or other equitable relief. If upon
2295 inspection it is determined that the lighting levels in a public building
2296 do not conform to such standards, the inspector shall make available to

2297 the owner or operator of such building, information regarding such
2298 standards and the economic and energy savings expected to result
2299 from compliance therewith. The owner or operator of a public building
2300 may, after having taken appropriate measures to render such building
2301 in compliance with such standards request a reinspection of such
2302 building by the [commissioner] Commissioner of Public Works. The
2303 [commissioner] Commissioner of Public Works may, upon such
2304 request or at his own discretion, conduct such reinspection and
2305 determine whether or not such building has been brought into
2306 compliance with such standards.

2307 (e) The [commissioner] Commissioner of Public Works shall
2308 maintain a listing of all public buildings found to be in compliance
2309 with the lighting standards adopted pursuant to subsection (c) of this
2310 section.

2311 (f) The [secretary] Commissioner of Energy may award lighting
2312 grants to municipalities for the purpose of improving the energy
2313 efficiency of lighting equipment in eligible buildings. All lighting
2314 grants shall be awarded based on an application, submitted by a
2315 municipality, which sets forth the lighting conservation measures to be
2316 implemented. Such measures shall meet the standards established
2317 pursuant to subsection (b) of this section and be consistent with the
2318 state energy policy, as set forth in section 16a-35k. When evaluating the
2319 applications submitted pursuant to this section and determining the
2320 amount of a lighting grant, the [secretary] Commissioner of Energy
2321 shall consider the energy savings and the payback period for the
2322 measures to be implemented and any other information which the
2323 [secretary] Commissioner of Energy deems relevant. The funds for
2324 lighting grants shall be provided from proceeds of bonds issued for
2325 such purpose. The amount of each grant shall be not less than five
2326 thousand dollars but not more than fifty thousand dollars, provided
2327 the [secretary] Commissioner of Energy may award grants of less than
2328 five thousand dollars or more than fifty thousand dollars if the
2329 [secretary] Commissioner of Energy finds good cause to do so. All

2330 public service company incentive payments contributed to any energy
2331 conservation project at an eligible building shall be applied to pay the
2332 principal cost of that project.

2333 Sec. 66. Section 16a-39b of the general statutes is repealed and the
2334 following is substituted in lieu thereof (*Effective July 1, 2006*):

2335 The [Secretary of the Office of Policy and Management]
2336 Commissioner of Energy shall convene periodic meetings, to be held at
2337 least once every twelve months, to discuss opportunities for energy
2338 savings by the state. Such meetings shall consist of the [secretary]
2339 commissioner, or the [secretary's] commissioner's designee, and
2340 representatives from each state agency that the [secretary]
2341 commissioner determines to be among the ten agencies that consumed
2342 the greatest amount of energy during the previous twelve months.

2343 Sec. 67. Subsection (a) of section 16a-40b of the 2006 supplement to
2344 the general statutes is repealed and the following is substituted in lieu
2345 thereof (*Effective July 1, 2006*):

2346 (a) The [commissioner] Commissioner of Economic and Community
2347 Development, acting on behalf of the state, may, with respect to loans
2348 for which funds have been authorized by the State Bond Commission
2349 prior to July 1, 1992, in his discretion make low-cost loans or deferred
2350 loans to residents of this state for the purchase and installation in
2351 residential structures of insulation, alternative energy devices, energy
2352 conservation materials and replacement furnaces and boilers,
2353 approved in accordance with regulations to be adopted by the
2354 [Secretary of the Office of Policy and Management] Commissioner of
2355 Energy. In the purchase and installation of insulation in new
2356 residential structures, only that insulation which exceeds the
2357 requirements of the State Building Code shall be eligible for such loans
2358 or deferred loans. The [commissioner] Commissioner of Economic and
2359 Community Development may also make low-cost loans or deferred
2360 loans to persons in the state residing in dwellings constructed not later
2361 than December 31, 1979, and for which the primary source of heating

2362 since such date has been electricity, for the purchase of a secondary
2363 heating system using a source of heat other than electricity or for the
2364 conversion of a primary electric heating system to a system using a
2365 source of heat other than electricity.

2366 Sec. 68. Section 16a-41 of the general statutes is repealed and the
2367 following is substituted in lieu thereof (*Effective July 1, 2006*):

2368 (a) Any public or private agency or organization administering an
2369 energy assistance program which is funded or administered, in whole
2370 or in part, by the state shall take simultaneous applications from
2371 applicants for all energy assistance programs and energy conservation
2372 loan, grant, audit or service programs which that agency or
2373 organization administers and for which an applicant may be eligible
2374 and shall provide the applicants with written summaries of all such
2375 programs administered by other agencies and organizations and for
2376 which an applicant may be eligible. Any public or private agency or
2377 organization administering an energy conservation loan, grant, audit
2378 or service program or renewable resources loan, grant or service
2379 program which is funded or administered, in whole or in part, by the
2380 state shall provide applicants with written summaries of all other such
2381 programs in the state for which an applicant may be eligible. The
2382 Department of Social Services, in consultation with the Department of
2383 Economic and Community Development and the Department of
2384 [Public Utility Control] Energy, shall adopt regulations₂ in accordance
2385 with the provisions of chapter 54₂ to carry out the purposes of this
2386 subsection. Such regulations shall, without limitation, set forth
2387 requirements for the form and content of the summaries. The
2388 Department of Social Services shall be responsible for collecting and
2389 disseminating information on all such programs in the state to
2390 agencies and organizations administering the programs.

2391 (b) Any state agency which administers or funds an energy
2392 assistance program, an energy conservation loan, grant, audit, or
2393 service program or a renewable resources loan, grant or service

2394 program shall adopt regulations in accordance with chapter 54 for
2395 such program in order to protect the due process rights of the
2396 applicants. The regulations shall include, but not be limited to, the
2397 following, where applicable: (1) Procedures for applications and their
2398 disposition, including record-keeping; (2) procedures for the
2399 immediate provision of appropriate assistance to eligible applicants
2400 who are without or in imminent danger of being without heat, hot
2401 water or utilities; (3) standards of assistance, including eligibility and
2402 benefits; (4) procedures for assisting elderly, handicapped, bilingual
2403 and other persons who are unable to file such applications without
2404 assistance; (5) procedures for assisting applicants in obtaining other
2405 forms of assistance; (6) procedures for written notice to applicants of
2406 the disposition of their applications and the basis for each full or
2407 partial denial of assistance; and (7) administrative appeal procedures,
2408 including notice to applicants of the availability of such procedures.

2409 (c) The regulations adopted under subsection (a) or (b) of this
2410 section shall not require an applicant for assistance to be without fuel
2411 or utility service before an agency may accept his application or as a
2412 condition of eligibility.

2413 (d) The Department of [Public Utility Control] Energy shall assure:
2414 (1) That any energy assistance program, energy conservation loan,
2415 grant, audit or service program or renewable resources loan, grant or
2416 service program concerning residential dwellings, funded or
2417 administered by a public service company or municipal utility, shall
2418 include provisions to address the needs of persons residing in rental
2419 housing and persons of poverty status; and (2) that the audit report on
2420 any audit conducted on a dwelling occupied by persons of poverty
2421 status, under a conservation audit program funded or administered by
2422 a public service company or municipal utility, include a section which
2423 excerpts from the audit report the results of those audit procedures
2424 required under weatherization or conservation programs available to
2425 such persons.

2426 (e) As used in this section, "applicant" means a natural person or a
2427 household seeking assistance under any program referred to in this
2428 section.

2429 Sec. 69. Section 16a-45a of the general statutes is repealed and the
2430 following is substituted in lieu thereof (*Effective July 1, 2006*):

2431 As used in section 16a-46, as amended by this act, "participant"
2432 means: (1) Each electric or gas company, as defined in section 16-1, as
2433 amended, which has annual sales, other than for resale, in excess of
2434 seven hundred fifty million kilowatt hours of electricity or ten billion
2435 cubic feet of natural gas; (2) any company, person or entity fulfilling
2436 the responsibilities of section 16a-46, as amended by this act, in whole
2437 or in part, on behalf of one or more such electric or gas companies, as
2438 determined by the [secretary] Commissioner of Energy; (3) any
2439 petroleum product vendor registered under section 16a-22d, as
2440 amended by this act, whose gross volume of retail fuel oil, propane or
2441 kerosene delivered in its most recently completed year exceeds two
2442 million gallons; and (4) any other electric or gas company, as defined
2443 in section 16-1, as amended, municipal electric utility organized under
2444 chapter 101, municipal electric energy cooperative organized under
2445 chapter 101a or electric cooperative organized under chapter 597
2446 which is included in a plan under section 16a-46a, as amended by this
2447 act, and subsequently approved by the [secretary] commissioner, and
2448 which voluntarily participates in the program under section 16a-46, as
2449 amended by this act.

2450 Sec. 70. Section 16a-46 of the 2006 supplement to the general statutes
2451 is repealed and the following is substituted in lieu thereof (*Effective July*
2452 *1, 2006*):

2453 (a) The [Secretary of the Office of Policy and Management]
2454 Commissioner of Energy shall be responsible for the development and
2455 implementation of a residential energy conservation service program
2456 in accordance with the provisions of this section, sections 16a-46a, as
2457 amended by this act, 16a-46b, as amended by this act, and 16a-46c, as

2458 amended by this act, and applicable federal law. Participants in the
 2459 program shall provide or arrange for low cost energy audits. No
 2460 participant under subdivision (1) or (3) of section 16a-45a, as amended
 2461 by this act, may be required to provide such services outside its
 2462 authorized service area or area of normal operation. The residential
 2463 energy conservation service program shall terminate on July 1, 2010.

2464 (b) The [secretary] commissioner, in consultation with the
 2465 Department of Public Utility Control, may adopt regulations, in
 2466 accordance with chapter 54, with regard to the conduct and
 2467 administration of such program. [Not later than January first in 1996
 2468 and 1997, each participant shall submit a report to the secretary
 2469 concerning the energy audits the participant provided or arranged for
 2470 pursuant to this section. Not later than February first in 1996 and 1997,
 2471 the secretary shall submit a report to the joint standing committee of
 2472 the General Assembly having cognizance of matters relating to energy
 2473 and technology concerning all energy audits provided or arranged for
 2474 pursuant to this section.]

2475 Sec. 71. Section 16a-46a of the general statutes is repealed and the
 2476 following is substituted in lieu thereof (*Effective July 1, 2006*):

2477 (a) The [Secretary of the Office of Policy and Management]
 2478 Commissioner of Energy shall prepare and may from time to time
 2479 amend a residential energy conservation service plan which
 2480 implements the program established under section 16a-46, as
 2481 amended, and which complies with applicable federal law. The
 2482 residential energy conservation service plan shall include, but not be
 2483 limited to, a designation of the classes of residential buildings that may
 2484 receive low-cost energy audits during the period covered by the plan.

2485 (b) Prior to implementing any amendments to the residential energy
 2486 conservation service plan, the [secretary] commissioner shall submit
 2487 the plan or amendments to the joint standing committee of the General
 2488 Assembly having cognizance of matters relating to energy planning
 2489 and activities. The committee may approve or disapprove such plan or

2490 amendments at a meeting held not later than sixty days after receipt of
2491 the plan or amendments. If the committee takes no action with regard
2492 to the plan or amendments during such sixty-day period, they shall be
2493 deemed approved. Upon such approval, the [secretary] commissioner
2494 shall submit the plans or amendments to the United States Department
2495 of Energy.

2496 Sec. 72. Section 16a-46b of the general statutes is repealed and the
2497 following is substituted in lieu thereof (*Effective July 1, 2006*):

2498 The [secretary] Commissioner of Energy shall (1) review and
2499 evaluate, on an ongoing basis, the implementation of the plan
2500 prepared under section 16a-46a, as amended by this act, to insure
2501 compliance with applicable state statutes and regulations and the
2502 provisions of such plan; (2) participate in proceedings before the
2503 Department of Public Utility Control which involve, in whole or in
2504 part, the implementation of said statutes, regulations or plan; and (3)
2505 report on the implementation of, and make any recommendations
2506 concerning, said plan not later than January fifteenth, annually, to the
2507 Governor, the joint standing committee of the General Assembly
2508 having cognizance of matters relating to energy planning and activities
2509 and the Legislative Program Review and Investigations Committee.

2510 Sec. 73. Section 16a-46c of the general statutes is repealed and the
2511 following is substituted in lieu thereof (*Effective July 1, 2006*):

2512 The Department of Public Utility Control shall exercise its
2513 regulatory responsibilities as they relate to the residential energy
2514 conservation service program within any program guidelines
2515 established by the [Secretary of the Office of Policy and Management]
2516 Commissioner of Energy in regulations adopted under section 16a-46,
2517 as amended by this act, and in the plan authorized under section 16a-
2518 46a, as amended by this act. The [secretary] commissioner shall consult
2519 with the department in the development of the program. The
2520 department, in consultation with the [secretary] commissioner, may
2521 adopt regulations in accordance with chapter 54 concerning the

2522 conduct and administration of the program as it relates to the
2523 department's regulatory responsibilities.

2524 Sec. 74. Section 16a-48 of the general statutes is repealed and the
2525 following is substituted in lieu thereof (*Effective July 1, 2006*):

2526 (a) As used in this section:

2527 (1) "Department" means the Department of Public Utility Control;

2528 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
2529 to operate fluorescent lamps by providing a starting voltage and
2530 current and limiting the current during normal operation, but does not
2531 include such devices that have a dimming capability or are intended
2532 for use in ambient temperatures of zero degrees Fahrenheit or less or
2533 have a power factor of less than sixty-one hundredths for a single
2534 F40T12 lamp;

2535 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
2536 nominal forty-watt lamp, with a forty-eight-inch tube length and one
2537 and one-half inches in diameter;

2538 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
2539 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
2540 one and one-half inches in diameter;

2541 (5) "Luminaire" means a complete lighting unit consisting of a
2542 fluorescent lamp, or lamps, together with parts designed to distribute
2543 the light, to position and protect such lamps, and to connect such
2544 lamps to the power supply;

2545 (6) "New product" means a product that is sold, offered for sale, or
2546 installed for the first time and specifically includes floor models and
2547 demonstration units;

2548 [(7) "Secretary" means the Secretary of the Office of Policy and
2549 Management;]

- 2550 (7) "Commissioner" means the Commissioner of Energy;
- 2551 (8) "State Building Code" means the building code adopted
2552 pursuant to section 29-252;
- 2553 (9) "Torchiere lighting fixture" means a portable electric lighting
2554 fixture with a reflector bowl giving light directed upward so as to give
2555 indirect illumination;
- 2556 (10) "Unit heater" means a self-contained, vented fan-type
2557 commercial space heater that uses natural gas or propane that is
2558 designed to be installed without ducts within the heated space. "Unit
2559 heater" does not include a product regulated by federal standards
2560 pursuant to 42 USC 6291, as amended from time to time, a product that
2561 is a direct vent, forced flue heater with a sealed combustion burner, or
2562 any oil fired heating system;
- 2563 (11) "Transformer" means a device consisting of two or more coils of
2564 insulated wire that transfers alternating current by electromagnetic
2565 induction from one coil to another in order to change the original
2566 voltage or current value;
- 2567 (12) "Low-voltage dry-type transformer" means a transformer that:
2568 (A) Has an input voltage of 600 volts or less; (B) is between 14 kilovolt-
2569 amperes and 2,501 kilovolt-amperes in size; (C) is air-cooled; and (D)
2570 does not use oil as a coolant. "Low-voltage dry-type transformer" does
2571 not include such transformers excluded from the low-voltage dry-type
2572 distribution transformer definition contained in the California Code of
2573 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance
2574 Efficiency Regulations;
- 2575 (13) "Pass-through cabinet" means a refrigerator or freezer with
2576 hinged or sliding doors on both the front and rear of the refrigerator or
2577 freezer;
- 2578 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
2579 thereof, with hinged or sliding doors or lids;

2580 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
2581 freezer with hinged or sliding doors that allows wheeled racks of
2582 product to be rolled into or through the refrigerator or freezer;

2583 (16) "Commercial refrigerators and freezers" means reach-in
2584 cabinets, pass-through cabinets, roll-in cabinets and roll-through
2585 cabinets that have less than eighty-five feet of capacity. "Commercial
2586 refrigerators and freezers" does not include walk-in models or
2587 consumer products regulated under the federal National Appliance
2588 Energy Conservation Act of 1987;

2589 (17) "Traffic signal module" means a standard eight-inch or twelve-
2590 inch round traffic signal indicator consisting of a light source, lens and
2591 all parts necessary for operation and communication of movement
2592 messages to drivers through red, amber and green colors;

2593 (18) "Illuminated exit sign" means an internally illuminated sign that
2594 is designed to be permanently fixed in place and used to identify an
2595 exit by means of a light source that illuminates the sign or letters from
2596 within where the background of the exit sign is not transparent;

2597 (19) "Packaged air-conditioning equipment" means air-conditioning
2598 equipment that is built as a package and shipped as a whole to end-
2599 user sites;

2600 (20) "Large packaged air-conditioning equipment" means air-cooled
2601 packaged air-conditioning equipment having not less than 240,000
2602 BTUs per hour of capacity;

2603 (21) "Commercial clothes washer" means a soft mount front-loading
2604 or soft mount top-loading clothes washer that is designed for use in
2605 (A) applications where the occupants of more than one household will
2606 be using it, such as in multifamily housing common areas and coin
2607 laundries; or (B) other commercial applications, if the clothes container
2608 compartment is no greater than 3.5 cubic feet for horizontal-axis
2609 clothes washers, or no greater than 4.0 cubic feet for vertical-axis

2610 clothes washers;

2611 (22) "Energy efficiency ratio" means a measure of the relative
2612 efficiency of a heating or cooling appliance that is equal to the unit's
2613 output in BTUs per hour divided by its consumption of energy,
2614 measured in watts.

2615 (b) The provisions of this section apply to the testing, certification
2616 and enforcement of efficiency standards for the following types of new
2617 products sold, offered for sale or installed in the state: (1) Commercial
2618 clothes washers; (2) commercial refrigerators and freezers; (3)
2619 illuminated exit signs; (4) large packaged air-conditioning equipment;
2620 (5) low voltage dry-type distribution transformers; (6) torchiere
2621 lighting fixtures; (7) traffic signal modules; (8) unit heaters; and (9) any
2622 other products as may be designated by the department in accordance
2623 with subdivision (3) of subsection (d) of this section.

2624 (c) The provisions of this section do not apply to (1) new products
2625 manufactured in the state and sold outside the state, (2) new products
2626 manufactured outside the state and sold at wholesale inside the state
2627 for final retail sale and installation outside the state, (3) products
2628 installed in mobile manufactured homes at the time of construction, or
2629 (4) products designed expressly for installation and use in recreational
2630 vehicles.

2631 (d) (1) Not later than July 1, 2005, the department, in consultation
2632 with the [secretary] commissioner, shall adopt regulations, in
2633 accordance with the provisions of chapter 54, to implement the
2634 provisions of this section and to establish minimum energy efficiency
2635 standards for the types of new products set forth in subsection (b) of
2636 this section. The regulations shall provide for the following minimum
2637 energy efficiency standards: (A) Commercial clothes washers shall
2638 meet the requirements shown in Table P-3 of section 1605.3 of the
2639 California Code of Regulations, Title 20: Division 2, Chapter 4, Article
2640 4; (B) commercial refrigerators and freezers shall meet the August 1,
2641 2004, requirements shown in Table A-6 of said California regulation;

2642 (C) illuminated exit signs shall meet the version 2.0 product
 2643 specification of the "Energy Star Program Requirements for Exit Signs"
 2644 developed by the United States Environmental Protection Agency; (D)
 2645 large packaged air-conditioning equipment having not more than
 2646 760,000 BTUs per hour of capacity shall meet a minimum energy
 2647 efficiency ratio of 10.0 for units using both electric heat and air
 2648 conditioning or units solely using electric air conditioning, and 9.8 for
 2649 units using both natural gas heat and electric air conditioning; (E) large
 2650 packaged air-conditioning equipment having not less than 761,000
 2651 BTUs per hour of capacity shall meet a minimum energy efficiency
 2652 ratio of 9.7 for units using both electric heat and air conditioning or
 2653 units solely using electric air conditioning, and 9.5 for units using both
 2654 natural gas heat and electric air conditioning; (F) low voltage dry-type
 2655 distribution transformers shall meet or exceed the energy efficiency
 2656 values shown in Table 4-2 of the National Electrical Manufacturers
 2657 Association Standard TP-1-2002; (G) torchiere lighting fixtures shall
 2658 not consume more than 190 watts and shall not be capable of operating
 2659 with lamps that total more than 190 watts; (H) traffic signal modules
 2660 shall meet the product specification of the "Energy Star Program
 2661 Requirements for Traffic Signals" developed by the United States
 2662 Environmental Protection Agency that took effect in February, 2001,
 2663 except where the department, in consultation with the Commissioner
 2664 of Transportation, determines that such specification would
 2665 compromise safe signal operation; (I) unit heaters shall not have pilot
 2666 lights and shall have either power venting or an automatic flue
 2667 damper.

2668 (2) Such efficiency standards, where in conflict with the State
 2669 Building Code, shall take precedence over the standards contained in
 2670 the Building Code. Not later than July 1, 2007, and biennially
 2671 thereafter, the department, in consultation with the [secretary]
 2672 commissioner, shall review and increase the level of such efficiency
 2673 standards by adopting regulations in accordance with the provisions
 2674 of chapter 54 upon a determination that increased efficiency standards
 2675 would serve to promote energy conservation in the state and would be

2676 cost-effective for consumers who purchase and use such new products,
2677 provided no such increased efficiency standards shall become effective
2678 within one year following the adoption of any amended regulations
2679 providing for such increased efficiency standards.

2680 (3) The department, in consultation with the [secretary]
2681 commissioner, shall adopt regulations, in accordance with the
2682 provisions of chapter 54, to designate additional products to be subject
2683 to the provisions of this section and to establish efficiency standards
2684 for such products upon a determination that such efficiency standards
2685 (A) would serve to promote energy conservation in the state, (B)
2686 would be cost-effective for consumers who purchase and use such new
2687 products, and (C) that multiple products are available which meet
2688 such standards, provided no such efficiency standards shall become
2689 effective within one year following their adoption pursuant to this
2690 subdivision.

2691 (e) On or after July 1, 2006, except for commercial clothes washers,
2692 for which the date shall be July 1, 2007, commercial refrigerators and
2693 freezers, for which the date shall be July 1, 2008, and large packaged
2694 air-conditioning equipment, for which the date shall be July 1, 2009, no
2695 new product of a type set forth in subsection (b) of this section or
2696 designated by the department may be sold, offered for sale, or
2697 installed in the state unless the energy efficiency of the new product
2698 meets or exceeds the efficiency standards set forth in such regulations
2699 adopted pursuant to subsection (d) of this section.

2700 (f) The department, in consultation with the [secretary]
2701 commissioner, shall adopt procedures for testing the energy efficiency
2702 of the new products set forth in subsection (b) of this section or
2703 designated by the department if such procedures are not provided for
2704 in the State Building Code. The department shall use United States
2705 Department of Energy approved test methods, or in the absence of
2706 such test methods, other appropriate nationally recognized test
2707 methods. The manufacturers of such products shall cause samples of

2708 such products to be tested in accordance with the test procedures
2709 adopted pursuant to this subsection or those specified in the State
2710 Building Code.

2711 (g) Manufacturers of new products set forth in subsection (b) of this
2712 section or designated by the department shall certify to the [secretary]
2713 commissioner that such products are in compliance with the
2714 provisions of this section. The department, in consultation with the
2715 [secretary] commissioner, shall promulgate regulations governing the
2716 certification of such products. The [secretary] commissioner shall
2717 publish an annual list of such products.

2718 (h) The Attorney General may institute proceedings to enforce the
2719 provisions of this section. Any person who violates any provision of
2720 this section shall be subject to a civil penalty of not more than two
2721 hundred fifty dollars. Each violation of this section shall constitute a
2722 separate offense, and each day that such violation continues shall
2723 constitute a separate offense.

2724 Sec. 75. Section 16a-102 of the general statutes is repealed and the
2725 following is substituted in lieu thereof (*Effective July 1, 2006*):

2726 (a) The [Secretary of the Office of Policy and Management]
2727 Commissioner of Energy shall coordinate all atomic development
2728 activities in the state. Said [secretary or his] commissioner or the
2729 commissioner's designee shall (1) advise the Governor with respect to
2730 atomic industrial development within the state; (2) act as coordinator
2731 of the development and regulatory activities of the state relating to the
2732 industrial and commercial uses of atomic energy; (3) act as deputy of
2733 the Governor in matters relating to atomic energy, including
2734 participation in the activities of any committee formed by the New
2735 England states to represent their interests in such matters and also
2736 cooperation with other states and with the government of the United
2737 States; (4) coordinate the studies, recommendations and proposals of
2738 the several departments and agencies of the state required by section
2739 16a-103 with each other and also with the programs and activities of

2740 the development commission. So far as practicable, he shall coordinate
2741 the studies conducted, and the recommendations and proposals made,
2742 in this state with like activities in the New England and other states
2743 and with the policies and regulations of the Energy Research and
2744 Development Administration and the Nuclear Regulatory
2745 Commission. In carrying out his duties, he shall proceed in close
2746 cooperation with the development commission.

2747 (b) The several agencies of the state which are directed by section
2748 16a-103 to initiate and pursue continuing studies are directed to keep
2749 the [Secretary of the Office of Policy and Management] Commissioner
2750 of Energy fully and currently informed as to their activities relating to
2751 atomic energy. No regulation or amendment to a regulation applying
2752 specifically to an atomic energy matter which any such agency may
2753 propose to issue shall become effective until thirty days after it has
2754 been submitted to the [Secretary of the Office of Policy and
2755 Management] Commissioner of Energy, unless, upon a finding of
2756 emergency need, the Governor by order waives all or any part of this
2757 thirty-day period.

2758 (c) The [Secretary of the Office of Policy and Management or his]
2759 Commissioner of Energy or the commissioner's designee shall keep the
2760 Governor and the several interested agencies informed as to private
2761 and public activities affecting atomic industrial development and shall
2762 enlist their cooperation in taking action to further such development as
2763 is consistent with the health, safety and general welfare of this state.

2764 (d) Within amounts appropriated for the purposes of this section,
2765 the [Secretary of the Office of Policy and Management] Commissioner
2766 of Energy may retain on a contractual or other basis such assistance as
2767 is required to carry out the purposes of this section.

2768 Sec. 76. Section 21a-86a of the general statutes is repealed and the
2769 following is substituted in lieu thereof (*Effective July 1, 2006*):

2770 (a) On or before October 1, 1990, the Commissioner of Consumer

2771 Protection, in consultation with the [Secretary of the Office of Policy
2772 and Management] Commissioner of Energy, the chairperson of the
2773 Public Utilities Control Authority, the State Building Inspector and the
2774 Commissioners of Public Health and Environmental Protection, shall
2775 adopt regulations, in accordance with the provisions of chapter 54,
2776 establishing minimum efficiency standards for plumbing fixtures and
2777 other water-using devices, as appropriate.

2778 (b) The maximum water use allowed in the regulations adopted
2779 under subsection (a) of this section for showerheads, urinals, faucets
2780 and replacement aerators manufactured or sold on or after October 1,
2781 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for
2782 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen
2783 faucets and replacement aerators, 2.5 gallons per minute, except that
2784 lavatories in restrooms of public facilities shall be equipped with outlet
2785 devices which limit the flow rate to a maximum of 0.5 gallons per
2786 minute. The maximum water use allowed in the regulations adopted
2787 under subsection (a) of this section for tank-type toilets, flushometer-
2788 valve toilets, flushometer-tank toilets and electromechanical hydraulic
2789 toilets manufactured or sold on or after January 1, 1992, shall be 1.6
2790 gallons per flush, unless and until equivalent standards for similar
2791 types of toilets are adopted by the American National Standards
2792 Institute, Inc.

2793 (c) Notwithstanding the provisions of subsection (b) of this section,
2794 the Commissioner of Consumer Protection, after consultation with the
2795 [Secretary of the Office of Policy and Management] Commissioner of
2796 Energy, the chairperson of the Public Utilities Control Authority, the
2797 State Building Inspector and the Commissioners of Public Health and
2798 Environmental Protection, may increase the level of efficiency for
2799 plumbing fixtures upon determination that such increase would
2800 promote the conservation of water and energy and be cost-effective for
2801 consumers who purchase and use such fixtures. Any increased
2802 efficiency standard shall be effective one year after its adoption.

2803 (d) The Commissioner of Consumer Protection, in consultation with
 2804 the [Secretary of the Office of Policy and Management] Commissioner
 2805 of Energy, the chairperson of the Public Utilities Control Authority, the
 2806 State Building Inspector and the Commissioners of Public Health and
 2807 Environmental Protection, shall adopt regulations in accordance with
 2808 the provisions of chapter 54 necessary to implement the provisions of
 2809 sections 21a-86 to 21a-86g, inclusive. Such regulations shall provide for
 2810 (1) the sale of plumbing fixtures which do not meet the standards if the
 2811 commissioner determines that compliance is not feasible or an
 2812 unnecessary hardship exists and (2) the sale of plumbing fixtures,
 2813 including, but not limited to, antique reproduction plumbing fixtures,
 2814 which do not meet the standards, provided such plumbing fixtures
 2815 were in stock in a store located in the state before October 1, 1990, if a
 2816 showerhead, urinal, faucet or replacement aerator or before January 1,
 2817 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank
 2818 toilet or electromechanical hydraulic toilet.

2819 Sec. 77. Section 32-317 of the general statutes is repealed and the
 2820 following is substituted in lieu thereof (*Effective July 1, 2006*):

2821 (a) The [commissioner] Commissioner of Economic and Community
 2822 Development, acting on behalf of the state, may in his discretion make
 2823 loans or deferred loans to residents of this state for the purchase and
 2824 installation in residential structures of insulation, alternative energy
 2825 devices, energy conservation materials and replacement furnaces and
 2826 boilers, approved in accordance with regulations to be adopted by the
 2827 [Secretary of the Office of Policy and Management] Commissioner of
 2828 Energy. In the purchase and installation of insulation in new
 2829 residential structures, only that insulation which exceeds the
 2830 requirements of the State Building Code shall be eligible for such loans
 2831 or deferred loans. The [commissioner] Commissioner of Economic and
 2832 Community Development may also make loans or deferred loans to
 2833 persons in the state residing in dwellings constructed not later than
 2834 December 31, 1979, and for which the primary source of heating since
 2835 such date has been electric resistance, for (1) the purchase and

2836 installation of a high-efficiency secondary heating system using a
 2837 source of heat other than electric resistance, (2) the conversion of a
 2838 primary electric heating system to a high-efficiency system using a
 2839 source of heat other than electric resistance, or (3) the purchase and
 2840 installation of a high-efficiency combination heating and cooling
 2841 system. As used in this subsection, "high-efficiency" means having a
 2842 seasonal energy efficiency ratio of 11.0 or higher or a heating season
 2843 performance factor of 7.2 or higher as designated by the American
 2844 Refrigeration Institute in the Directory of Certified Unitary Air
 2845 Conditioners, Air Source Heat Pumps and Outdoor Unitary
 2846 Equipment, as from time to time amended, or an equivalent ratio for a
 2847 fossil fuel system.

2848 (b) Except as provided under subsection (c) of this section, any such
 2849 loan or deferred loan shall be available only for a residential structure
 2850 containing not more than four dwelling units, shall be not less than
 2851 four hundred dollars and not more than fifteen thousand dollars per
 2852 structure and shall be made only to an applicant who submits
 2853 evidence, satisfactory to the [commissioner] Commissioner of
 2854 Economic and Community Development, that the adjusted gross
 2855 income of the household member or members who contribute to the
 2856 support of his household was not in excess of one hundred fifty per
 2857 cent of the median area income by household size. Repayment of all
 2858 loans or deferred loans made under this subsection shall be subject to a
 2859 rate of interest to be determined in accordance with subsection (t) of
 2860 section 3-20, as amended, and such terms and conditions as the
 2861 commissioner may establish. The State Bond Commission shall
 2862 establish a range of rates of interest payable on all loans or deferred
 2863 loans under this subsection and shall apply the range to applicants in
 2864 accordance with a formula which reflects their income. Such range
 2865 shall be not less than zero per cent for any applicant in the lowest
 2866 income class and not more than one per cent above the rate of interest
 2867 borne by the general obligation bonds of the state last issued prior to
 2868 the most recent date such range was established for any applicant for
 2869 whom the adjusted gross income of the household member or

2870 members who contribute to the support of his household was at least
2871 one hundred fifteen per cent of the median area income by household
2872 size.

2873 (c) The [commissioner] Commissioner of Economic and Community
2874 Development shall establish a program under which he shall make
2875 funds authorized under section 32-318 available for loans or deferred
2876 loans under subsection (a) of this section for residential structures
2877 containing more than four dwelling units, or for contracts
2878 guaranteeing payment of loans provided by private institutions for
2879 such structures for the purposes specified under subsection (a) of this
2880 section. Any such loan or deferred loan shall be an amount equaling
2881 not more than two thousand dollars multiplied by the number of
2882 dwelling units in such structure, provided no such loan shall exceed
2883 sixty thousand dollars. If the applicant seeks a loan or deferred loan for
2884 a structure containing more than thirty dwelling units, he shall include
2885 in his application a commitment to make comparable energy
2886 improvements of benefit to all dwelling units in the structure in
2887 addition to the thirty units which are eligible for the loan or deferred
2888 loan. Applications for contracts of guarantee shall be limited to
2889 structures containing not more than thirty dwelling units and the
2890 amount of the guarantee shall be not more than three thousand dollars
2891 for each dwelling unit benefiting from the loan. There shall not be an
2892 income eligibility limitation for applicants for such loans, deferred
2893 loans or guarantees, but the commissioner shall give preference to
2894 applications for loans, deferred loans or guarantees for such structures
2895 which are occupied by persons of low or moderate income. Repayment
2896 of such loans or deferred loans shall be subject to such rates of interest,
2897 terms and conditions as the commissioner shall establish. The state
2898 shall have a lien on each property for which a loan, deferred loan or
2899 guarantee has been made under this section to ensure compliance with
2900 such terms and conditions.

2901 (d) With respect to all loans or deferred loans under this section, any
2902 repayments of principal shall be paid to the State Treasurer for deposit

2903 in the energy conservation revolving loan account. The interest
2904 applicable to any such loans made shall be paid to the State Treasurer
2905 for deposit in the General Fund. In the case of a deferred loan,
2906 payments on interest are due and payable but payments on principal
2907 may be deferred to a time certain.

2908 (e) The [commissioner] Commissioner of Economic and Community
2909 Development shall adopt regulations, in accordance with chapter 54,
2910 (1) concerning qualifications for such loans or deferred loans,
2911 requirements and limitations as to adjustments of terms and conditions
2912 of repayment and any additional requirements deemed necessary to
2913 carry out the provisions of this section and to assure that those tax-
2914 exempt bonds and notes used to fund such loans qualify for exemption
2915 from federal income taxation, (2) providing for the maximum feasible
2916 availability of such loans or deferred loans for dwelling units owned or
2917 occupied by persons of low and moderate income, (3) establishing
2918 procedures to inform such persons of the availability of such loans or
2919 deferred loans and to encourage and assist them to apply for such
2920 loans and (4) providing that (A) the interest payments received from
2921 the recipients of loans or deferred loans, less the expenses incurred by
2922 the commissioner in the implementation of the program of loans,
2923 deferred loans and loan guarantees under this section, and (B) the
2924 payments received from electric, electric distribution and gas
2925 companies under subsection (f) of this section shall be applied to
2926 reimburse the General Fund for interest on the outstanding bonds and
2927 notes used to fund such loans or deferred loans.

2928 (f) Not later than August first, annually, the [commissioner]
2929 Commissioner of Economic and Community Development shall
2930 calculate the difference between (1) the weighted average of the
2931 percentage rates of interest payable on all subsidized loans or deferred
2932 loans made from the energy conservation loan program authorized
2933 under sections 32-315 to 32-318, inclusive, and (2) the average of the
2934 percentage rates of interest on any bonds and notes issued pursuant to
2935 section 3-20, as amended, which have been dedicated to the energy

2936 conservation loan program under sections 32-315 to 32-318, inclusive,
 2937 and used to fund such loans or deferred loans, and multiply such
 2938 difference by the outstanding amount of all such loans or deferred
 2939 loans, or such lesser amount as may be required under Section
 2940 103(b)(2) of the Internal Revenue Code of 1986, or any subsequent
 2941 corresponding internal revenue code of the United States, as from time
 2942 to time amended. The product of such difference and such applicable
 2943 amount shall not exceed six per cent of the sum of the outstanding
 2944 principal amount at the end of each fiscal year of all loans or deferred
 2945 loans made under the energy conservation loan program authorized
 2946 under sections 32-315 to 32-318, inclusive, and the balance remaining
 2947 in the energy conservation revolving loan account. Not later than
 2948 September first, annually, the Department of Public Utility Control
 2949 shall allocate such product among each electric, electric distribution
 2950 and gas company having at least seventy-five thousand customers, in
 2951 accordance with a formula taking into account, without limitation, the
 2952 average number of residential customers of each company. Not later
 2953 than October first, annually, each such company shall pay its assessed
 2954 amount to the commissioner. The commissioner shall pay to the State
 2955 Treasurer for deposit in the General Fund all such payments from
 2956 electric, electric distribution and gas companies, and shall adopt
 2957 procedures to assure that such payments are not used for purposes
 2958 other than those specifically provided in this section. The department
 2959 shall include each company's payment as an operating expense of the
 2960 company for the purposes of rate-making under section 16-19, as
 2961 amended by this act.

2962 Sec. 78. Subdivision (16) of subsection (d) of section 2c-2b, sections
 2963 16-11a, 16a-1, 16a-3, 16a-8 and 16a-14 of the general statutes are
 2964 repealed. (*Effective July 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section

Sec. 3	July 1, 2006	New section
Sec. 4	July 1, 2006	New section
Sec. 5	July 1, 2006	New section
Sec. 6	July 1, 2006	4-5
Sec. 7	July 1, 2006	4-38c
Sec. 8	July 1, 2006	4-65a(a)
Sec. 9	July 1, 2006	4a-57(e)(2)
Sec. 10	July 1, 2006	8-37jj
Sec. 11	July 1, 2006	13a-110a(f)
Sec. 12	July 1, 2006	16-2(a)
Sec. 13	July 1, 2006	16-2(j)
Sec. 14	July 1, 2006	16-6a
Sec. 15	July 1, 2006	16-6b
Sec. 16	July 1, 2006	16-19(a)
Sec. 17	July 1, 2006	16-19a(a)
Sec. 18	July 1, 2006	16-19e(c) and (d)
Sec. 19	July 1, 2006	16-32f(c)(2)
Sec. 20	July 1, 2006	16-50l(a)(3)
Sec. 21	July 1, 2006	16-243k
Sec. 22	July 1, 2006	16-243m(m)
Sec. 23	July 1, 2006	16-244d(b)
Sec. 24	July 1, 2006	16-245l(a)
Sec. 25	July 1, 2006	16-245m(d)
Sec. 26	July 1, 2006	16-245m(f)
Sec. 27	July 1, 2006	16-245n(d)
Sec. 28	July 1, 2006	16-261a(a)
Sec. 29	from passage	16-262c
Sec. 30	July 1, 2006	16-262c(b)(5)
Sec. 31	July 1, 2006	16a-2
Sec. 32	July 1, 2006	16a-4
Sec. 33	July 1, 2006	16a-4a
Sec. 34	July 1, 2006	16a-5
Sec. 35	July 1, 2006	16a-6
Sec. 36	July 1, 2006	New section
Sec. 37	July 1, 2006	16a-7a
Sec. 38	July 1, 2006	16a-7b
Sec. 39	July 1, 2006	16a-7c
Sec. 40	July 1, 2006	16a-9
Sec. 41	July 1, 2006	16a-13
Sec. 42	July 1, 2006	16a-13a

Sec. 43	July 1, 2006	16a-13b
Sec. 44	July 1, 2006	16a-14a
Sec. 45	July 1, 2006	16a-14b
Sec. 46	July 1, 2006	16a-14e
Sec. 47	July 1, 2006	16a-16
Sec. 48	July 1, 2006	16a-20
Sec. 49	July 1, 2006	16a-22
Sec. 50	July 1, 2006	16a-22c
Sec. 51	July 1, 2006	16a-22d
Sec. 52	July 1, 2006	16a-22e
Sec. 53	July 1, 2006	16a-22h
Sec. 54	July 1, 2006	16a-22i
Sec. 55	July 1, 2006	16a-22j
Sec. 56	July 1, 2006	16a-23t(f)
Sec. 57	July 1, 2006	16a-37f
Sec. 58	July 1, 2006	16a-37u
Sec. 59	July 1, 2006	16a-37v
Sec. 60	July 1, 2006	16a-38
Sec. 61	July 1, 2006	16a-38a
Sec. 62	July 1, 2006	16a-38b
Sec. 63	July 1, 2006	16a-38i
Sec. 64	July 1, 2006	16a-38j
Sec. 65	July 1, 2006	16a-39
Sec. 66	July 1, 2006	16a-39b
Sec. 67	July 1, 2006	16a-40b(a)
Sec. 68	July 1, 2006	16a-41
Sec. 69	July 1, 2006	16a-45a
Sec. 70	July 1, 2006	16a-46
Sec. 71	July 1, 2006	16a-46a
Sec. 72	July 1, 2006	16a-46b
Sec. 73	July 1, 2006	16a-46c
Sec. 74	July 1, 2006	16a-48
Sec. 75	July 1, 2006	16a-102
Sec. 76	July 1, 2006	21a-86a
Sec. 77	July 1, 2006	32-317
Sec. 78	July 1, 2006	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]